



भारत का घाजपत्र

The Gazette of India

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 16]
No. 16]

नई सिल्सी, राजिवर, अप्रैल 16, 1994/ वैश्व 26, 1916
NEW DELHI, SATURDAY, APRIL 16, 1994/ CHAITRA 26, 1916

इस भाग में भिन्न घट संख्या से जारी हुई विवरणों की पहुंचकाना लकड़वाल के रूप में
रखा जा रहा

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के विभालयों (रक्षा विभालय को छोड़कर) द्वारा जारी किए गए सांविधिक आवेदा और अधिसूचनाएँ
Statutory Orders and Notifications issued by the Ministries of the Government
of India (other than the Ministry of Defence)

विधि, न्याय और कम्पनी कार्य गंतालय

(विधि कार्य विभाग)

न्यायिक खण्ड

मूलना

नई दिल्ली, 16 मार्च, 1994

का. आ. 876.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह मूलना दी जानी है कि के.एम. जय नीलकान्त राव पड्डोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे रायचूर, (कर्नाटक राज्य) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस मूलना के प्रकाशन के त्रौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5 (31)/94-न्यायिक]

पी.सी. कण्णन, सभम प्राधिकारी

(111)

MINISTRY OF LAW, JUSTICE & COMPANY AFFAIRS

(Department of Legal Affairs)

Judicial Section

NOTICE

New Delhi, the 15th March, 1994

S.O. 876—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Rules, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Shri K.M. Jai Neelkant Rao, Advocate for appointment as Notary to practise in Raichur, (Karnataka).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

J.F. No. 5 (31)/94-Judl.
P. C. KANNAN, Competent Authority

सूचना

नई दिल्ली, 16 मार्च, 1994

का.आ. 877.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री सरदार सिंह यावव, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे भाग्यपत, जिला मेरठ (उत्तर प्रदेश राज्य) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के बौद्ध दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5 (33)/94-न्यायिक]

पी.सी. कण्णन, सक्षम प्राधिकारी

NOTICE

New Delhi, the 16th March, 1994

S.O. 877.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Rules, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Shri Sardar Singh Yadav Advocate for appointment as a Notary to practise in Baghpat Distt. Meerut, (U.P.).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[F. No. 5 (33)/94-Judl.]

P. C. KANNAN, Competent Authority

सूचना

नई दिल्ली, 16 मार्च, 1994

का.आ. 878—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री शिशु मोहन मेहरा, एडवोकेट के उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे दिल्ली में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के बौद्ध दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5 (30)/94-न्यायिक]

पी.सी. कण्णन, सक्षम प्राधिकारी

NOTICE

New Delhi, the 16th March, 1994

S.O. 878.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Rules, 1956 that application has been made to the said Authority under Rule 4 of the said Rules, by Shri Shishu Mohan Mehra Advocate for appointment as a Notary to practise in Delhi.

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[F. No. 5(30)/94 Judl.]

P. C. KANNAN, Competent Authority

सूचना

नई दिल्ली, 15 मार्च, 1994

का.आ. 879.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री निरंजन सिंह एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे जगाधरी, जिला यमुना नगर, (हरियाणा) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के बौद्ध दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5 (29)/94-न्यायिक]

पी.सी. कण्णन, सक्षम प्राधिकारी

NOTICE

New Delhi, the 15th March, 1994

S.O. 879.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Rules, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Shri Niranjan Singh, Advocate for appointment as a Notary to practise in Jagadhari, Distt. Yamuna Nagar (Haryana).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[F. No. 5(29)/94-Judl.]

P. C. KANNAN, Competent Authority

सूचना

नई दिल्ली, 15 मार्च, 1994

का.आ. 880—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री मुकुल कुमार जैन, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे मेरठ (उत्तर प्रदेश राज्य) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के बौद्ध दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5 (38)/94-न्यायिक]

पी.सी. कण्णन, सक्षम प्राधिकारी

NOTICE

New Delhi, the 15th March, 1994

S.O. 880.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Rules, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Shri Mukul Kumar Jain, Advocate for appointment as a Notary to practise in MEERUT, (U.P.).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of the notice.

[F. No. 5 (38)/94-Judl.]

P. C. KANNAN, Competent Authority

सूचना
नई दिल्ली, 15 मार्च, 1994

का. आ. 881.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री एस. ए. कादरी (जिलानी पाशा), एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे सिंधानुर तालुक, रायचूर जिला (कर्नाटक राज्य) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आपेक्षा इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[एफ. सं. 5 (37)/94-न्यायिक]

पी.सी. कण्णन, सक्षम प्राधिकारी

NOTICE

New Delhi, the 15th March, 1994

S.O. 881.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Rules, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Shri S. A. Qudri (Jeeleani Pasha) Advocate for appointment as a Notary to practise in Sindhannur Taluka, Raichur Distt. (Karnataka).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[F. No. 5 (37)/94-Judl.]

P. C. KANNAN, Competent Authority

सूचना

नई दिल्ली, 15 मार्च, 1994

का. आ. 882.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री असित कुमार गुप्ता, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे श्रीलीपुर पुलिस कोर्ट (पश्चिम बंगाल) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आपेक्षा इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[एफ. सं. 5 (36)/94-न्यायिक]

पी.सी. कण्णन, सक्षम प्राधिकारी

NOTICE

New Delhi, the 15th March, 1994

S.O. 882.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Rules, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Shri Asit Kumar Gupta, Advocate for appointment as a Notary to practise in Alipore Police Courts (West Bengal).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[F. No. 5 (36)/94-Judl.]

P. C. KANNAN, Competent Authority

सूचना

नई दिल्ली, 15 मार्च, 1994

का. आ. 883.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री चांद मल सैनी, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे चूरू (राजस्थान) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आपेक्षा इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[एफ. सं. 5 (34)/94-न्यायिक]

पी.सी. कण्णन, सक्षम प्राधिकारी

NOTICE

New Delhi, the 15th March, 1994

S.O. 883.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Rules, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Shri Chand Mal Saini, Advocate for appointment as a Notary to practise in Churu (Rajasthan).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[F. No. 5 (34)/94-Judl.]

P. C. KANNAN, Competent Authority

सूचना

नई दिल्ली, 15 मार्च, 1994

का. आ. 884.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री समीर कुमार राय, एडवोकेट को उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे मालदा (पश्चिम बंगाल) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आपेक्षा इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[एफ. सं. 5 (35)/94-न्यायिक]

पी.सी. कण्णन, सक्षम प्राधिकारी

NOTICE

New Delhi, the 15th March, 1994

S.O. 884.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Rules, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Shri Samir Kumar Roy, Advocate for appointment as a Notary to practise in Malda (West Bengal).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[F. No. 5 (35)/94-Judl.]

P. C. KANNAN, Competent Authority

सूचना

नई दिल्ली, 16 मार्च, 1994

का. आ. 885.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी

जाती है कि श्री परमिंदर सिंह, एल्वोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आथेदन इम बात के लिए दिया है कि उसे कपूरथना (पंजाब) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आपेक्ष इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[एफ. सं. 5 (32)/94-न्यायिक]

पी.सी. कण्णन, सक्षम प्राधिकारी

NOTICE

New Delhi, the 16th March, 1994

S.O. 885.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Rules, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Shri Parminder Singh, Advocate for appointment as a Notary to practise in Kapurthala (Punjab).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[F. No. 5 (32)/94-Judl.]

P. C. KANNAN, Competent Authority

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

शुद्धिपत्र

नई दिल्ली, 29 मार्च, 1994

का.आ. 886 —भारत के राजपत्र, भाग II, खंड 3, उपखंड (ii) में कार्मिक और प्रशिक्षण विभाग के का.आ. 3027 दिनांक 12-12-92 की अधिसूचना सं. 225/5/92-ए.वी.डी.-II, दिनांक 23-11-92 के अधीन प्रकाशित कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय के कार्मिक और प्रशिक्षण विभाग, नई दिल्ली के आदेश संबंधी उपर्युक्त अधिसूचना में आने वाले “विचारण” शब्द के स्थान पर “अभियोजन” शब्द रखा जाएगा। “जिला और ईशन न्यायाधीश, एनकुलम, केरल के न्यायालय में विचाराधीन” शब्दों का “एनकुलम और केरल के अन्य स्थानों में विचारण, अपील और पुनरीक्षण न्यायालयों” में पढ़ें।

[संख्या 225/5/92-ए.वी.डी.-II]

आर.एस. दिप्प, अवार मन्त्रिव

MINISTRY OF PERSONNEL, P.G. AND PENSIONS

(Dept. of Personnel and Training)

CORRIGENDUM

New Delhi, the 29th March, 1994

S.O. 886.—In the order of Ministry of Personnel and Public Grievances and Pensions, Department of Personnel and Training New Delhi published in the Gazette of India, in Part-II Section-3, Sub-section (ii) under S.O. 3027 dated 12-12-92.

D.P.T. Notification No. 225/5/92-AVD. II dated 23-11-92 the word “Trial” appearing in the above notification be substituted by the word “Prosecution”. The words ‘pending trial in court of Distt. and Sessions Judge, Ernakulam, Kerala, may be read as “in trial, appellate and revisional courts in Ernakulam and other places of Kerala”.

[No. 225/5/92-AVD.II]

R. S. BISHT, Under Secy.

नई दिल्ली, 29 मार्च, 1994

का.आ. 887 —केन्द्रीय सरकार, दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उत्तर प्रदेश राज्य भरकार की सहमति से [देखिए गहू विभाग (पुलिस) खंड-4 संख्या 2077 के पी.आर. VI-4-94 दिनांक 25 मार्च, 1994] दिल्ली विशेष पुलिस स्थापना के सदस्यों की गतियों और अधिकारिना का निम्नांकित मुकदमों में दंडनीय अपराधों और उक्त अपराधों के संबंध में या उनसे संकेत प्रयत्नों, दुष्प्रेरणों और पद्धतियों के या उन्हीं तथ्यों से उत्पन्न होने वाले वैसे मन्यवद्धात् के अनुक्रम में किए गए किन्हीं प्रत्यन्य अपराधों के संबंध में अन्वेषण करने के लिए सम्पूर्ण उत्तर प्रदेश राज्य पर विस्तार करती है।

1. दिनांक 13-2-94 को हजरत गंज पुलिस स्टेशन (लखनऊ) में भारतीय संहिता धारा खंड 302 के तहत पंजीकृत अपराध संख्या 182/94।
2. दिनांक 18-2-94 को हजरत गंज पुलिस स्टेशन (लखनऊ) में भारतीय संहिता धारा खंड 302 के तहत पंजीकृत अपराध संख्या 200/94।
3. दिनांक 23-2-94 को हजरत गंज पुलिस स्टेशन (लखनऊ) में भारतीय संहिता धारा खंड 302/201 के तहत पंजीकृत अपराध संख्या 225/94।
4. दिनांक 23-2-94 को हजरत गंज पुलिस स्टेशन (लखनऊ) में भारतीय संहिता धारा खंड 302/201 के तहत पंजीकृत आराध संख्या 226/94।
5. दिनांक 20-3-94 को हजरत गंज पुलिस स्टेशन (लखनऊ) में भारतीय संहिता धारा खंड 302/201 के तहत पंजीकृत अपराध संख्या 343/94।

[संख्या : 228/10/94-ए.वी.डी.-II]

पराम प्रकाश, उप सचिव

New Delhi, the 29th March, 1994

S.O. 887.—In exercise of the powers conferred by Sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (25 of 1946) the Central Govt. with the consent of the State Govt. of Uttar Pradesh accorded vide Home (Police) Section No. 2077 KPR/VI-4-94, dated 25th March, 1994 hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Uttar

Pradesh for investigation of the following offences and any other offence, attempts, abetments and conspiracy in relation to or in connection with the said offences committed in the course of the same transaction or arising out of the same facts in the following cases :—

1. Crime No. 182/94 under Section 302 Indian Penal Code registered at Police Station Hazrat Gunj (Lucknow) on 13-2-1994.
2. Crime No. 200/94 under Section 302 Indian Penal Code registered at Police Station Hazrat Gunj (Lucknow) on 18-2-1994.
3. Crime No. 225/94 under Section 302/201 Indian Penal Code registered at Police Station Hazrat Gunj (Lucknow) on 23-2-1994.
4. Crime No. 226/94 under Section 302/201 Indian Penal Code registered at Police Station Hazrat Gunj (Lucknow) on 23-2-1994.
5. Crime No. 343/94 under Section 302/201 Indian Penal Code registered at Police Station Hazrat Gunj, Lucknow on 20-3-1994

[No. 228/10/94-AVD.II]

PARAG PARKASH, Dy. Secy.

विस संकालय

(राजस्व विभाग)

प्रादेश

नई दिल्ली, 22 मार्च, 1994

स्टाम्प

का.आ. 888.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) को धारा 9 की उपधारा (1) के खंड (क) द्वारा प्रवत्त शक्तियों का प्रयोग

मारणी

करते हूए, केंद्रीय सरकार एन्टद्वाया उस शुल्क को माफ करती है, जो कानूनिक राज्य वित्त निगम, बंगलौर द्वारा जारी मात्र एक मौ पाच करोड़ अष्टासौ लाख और पचास हजार रुपये के कुल मूल्य के भीतर सारणी में दराए गए, प्रोमिगरी के स्वन्त्र में शुल्क-पत्रों के संबंध में उक्त अधिनियम के अन्तर्गत प्रभार्य है।

क्रम सं.	निर्याम सं.	विवरण	निर्याम बोर्डम की राशि
1.	53वीं	11.5 प्रतिशत के एक्सएफ मी बोर्डम 2011 (II शुब्ला)	1567.50 लाख
2	54वीं	12 प्रतिशत के एसएफसी बोर्डम 2012	1677.50 लाख
3.	55वीं	13 प्रतिशत के एसएफसी बोर्डम 2012 (II शुब्ला)	1072.50 लाख
4.	56वीं	13 प्रतिशत के एसएफसी बोर्डम 2007	1512.50 लाख
5.	57वीं	13 प्रतिशत के एसएफसी बोर्डम 2007 (II शुब्ला)	2282.50 लाख
6.	58वीं	13 प्रतिशत के एसएफसी बोर्डम 2008	476.00 लाख
7.	59वीं	13.5 प्रतिशत के एसएफसी बोर्डम 2003	2000.00 लाख
			1,05,88.50 लाख

[मं. 8/94-स्टाम्प-का.ग. 33/38/92-वि.क.]

प्रत्या राम, अवर सचिव

MINISTRY OF FINANCE

(Department of Revenue)

ORDER

New Delhi, the 22nd March, 1994.

STAMPS

S.O. 888.—In exercise of the powers conferred by clause (a) of Sub-section (1) of Section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty with which the bonds in the nature of Promissory Bonds mentioned in the Table below of the total value of rupees one hundred five crore eighty eight lakh and fifty thousand only, issued by the Karnataka State Finance Corporation, Bangalore are chargeable under the said Act.

TABLE

Sl. No.	Issue No.	Description	Amount of issue of Bonds
1	2	3	4
1.	53rd	11.5% KSFC Bonds 2011 (II Series)	1567.50 lakhs
2.	54th	12% KSFC Bonds 2012	1677.50 lakhs
3.	55th	13% KSFC Bonds 2012 (II Series)	1072.50 lakh
4.	56th	13% KSFC Bonds 2007	1512.50 lakh
5.	57th	13% KFC Bonds 2007 (II series)	2282.50 lakhs
6.	58th	13% KSFC Bonds 2008	476.00 lakhs
7.	59th	13.5% KSFC Bonds 2003	2000.00 lakhs
			1,05,88.50 lakhs

[No. 8/94-stamps-F.No. 33/38/92-ST]

ATMA RAM, Under Secy.

ग्रांदेश

नई दिल्ली, 25 मार्च, 1994

स्टाम्प

का.आ. 889.—भारतीय स्टाम्प अधिनियम, 1899 (1899 ना. 2) की धारा 9 की उपधारा (1) के छाड़ (श) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एवंद्वारा कलकत्ता इनैमिट्रक्स सालाई कार्पोरेशन लिमिटेड, कलकत्ता को मात्र एक करोड़ सोलर लाख तैनातीस हजार नौ सी रुपये का समंकित स्टाम्प शुल्क अदा करते की अनुमति देती है, जो कि उक्त नियम द्वारा जारी किये जाने वाले मात्र एक गो पञ्चपन करोड़, पञ्चास लाख, चौबीस हजार, रुपये के कुल मूल्य के 1 से 15525240 तक की विशिष्ट संख्या वाले प्रत्येक सौ-सौ रुपये के अंकित मूल्य 16% वाले मुर्खित विमोच्य अपरिवर्तीय अद्यन-पत्रों पर स्टाम्प शुल्क के कारण प्रभाव है।

[ग. 9/94-स्टाम्प फा. म. 33/9/94-वि.क.]

आमा राम, अवर सचिव

ORDER

New Delhi, the 25th March, 1994

STAMPS

S.O. 889.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits Calcutta Electric Supply Corporation Limited, Calcutta to pay consolidated stamp duty of rupees one crore sixteen lakhs forty three thousand nine hundred thirty only, chargeable on account of the stamp duty on 16 per cent Secured Redeemable Non-Convertible Debentures bearing distinctive numbers 1 to 15525240 of the face value of rupees one hundred each of the aggregate value of rupees one hundred fifty five crore, twenty five lakh, twenty four thousand only to be issued by the said corporation.

[No. 9/94-Stamp F. No. 33/9/94-ST.]

ATMA RAM, Under Secy.

ग्रांदेश

नई दिल्ली, 25 मार्च, 1994

स्टाम्प

का.आ. 890.—भारतीय स्टाम्प अधिनियम, 1899 (1899 ना. 2) की धारा 9 की उपधारा (1) के छाड़ (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एवंद्वारा उस शुल्क को माफ करती है जो सीधे लिमिटेड द्वारा जारी किए जाने वाले मात्र अड़ेतीम करोड़ रुपये के मूल्य के 12 प्रतिशत सरकारी गारंटीट बैंकपत्रों के लिए में वर्णित प्रेमितरी नंबरों के स्वरूप के बांडों के राबंध में उक्त अधिनियम के अन्तर्गत प्रभाव है।

[म. 10/94-स्टाम्प-फा. म. 33/2/92-वि.क.]

आमा राम, अवर सचिव

ORDER

New Delhi, the 25th March, 1994

STAMPS

S.O. 890.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty with which the bonds in the nature of promissory notes—described as 12 per cent Government Guaranteed

bonds of the value of rupees thirty eight crores only to be issued by SCICI Limited are chargeable under the said Act.

[No. 10/94-Stamp F. No. 33/2/92-ST.]

ATMA RAM, Under Secy.

ग्रांदेश

नई दिल्ली, 29 मार्च, 1994

का.आ. 891.—भारत सरकार के मंत्रकुल सचिव ने जिसे विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 ना. 52) की धारा 3 की उपधारा के अधीन ग्रांदेश फा. म. 673/141/93-गो.गु-8 दिनांक 29-12-1993 को यह निर्देश जारी किया था कि श्री विनय कुमार जालान मुमुक्षु श्री मोहनलाल जालान 43, फैज-ए-दर्रस, 371/373, तरसी नाथ स्ट्रीट, बम्बई को निश्चित कर लिया जाए, श्रीर केन्द्रीय कारागार बम्बई रखा जाए ताकि उसे अभियान में रखा जाए ताकि उसे तस्करी का मान लानेन्द्र-जाने और छिपाने के वित्तिक माल की तस्करी का दुष्प्रयण करने सम्भव हो।

2. केन्द्रीय सरकार के पास यह विवराम करते का कारण है कि पूर्वोक्त अवित्त फरार हो गया है या अपने को छिपा रहा है जिससे उक्त ग्रांदेश का निपादन नहीं हो सके।

3. अतः ग्रांदेश केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) के छाड़ (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि पूर्वोक्त अवित्त इस ग्रांदेश के शासकीय राजपत्र में प्रकाशन के 7 दिन के भीतर पुनिस आयुक्त बम्बई के समक्ष हाजिर हों।

[फा. म. 673/141/93-गो.गु.-8]

जे. ए.ल. गाहूरी, अवर सचिव

ORDER

New Delhi, the 29th March, 1994

S.O. 891.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued under F. No. 673/141/93-Cus. VIII, dated 29-12-1993 under the said sub-section directing that Shri Vinaykumar Jain s/o Shri Mohanlal Jalan, 43, Faiz-e-Edroos, 371/373, Narsi Nath Street, Bombay be detained & kept in custody in the Central Jail, Bombay with a view to preventing him from abetting the smuggling of goods and dealing in smuggled goods otherwise than by engaging in transporting and concealing smuggled goods, in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of power conferred by Clause (b) of sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, Bombay within 7 days of the publication of this order in the official Gazette.

[F. No. 673/141/93-Cus.VIII]

J. L. SAWHNEY, Under Secy.

वित्त मंत्रालय

आधिकारिक कार्य विभाग

(बैंकिंग प्रशासन)

नई दिल्ली, 28 मार्च, 1994

का.आ. 892.—भारतीय रिजर्व बैंक अधिनियम, 1934 (1934 ना. 2) की धारा 8 की उपधारा (1) के छाड़ (ग) द्वारा प्रदत्त शक्तियों का प्रयोग करते

हार, केन्द्रीय सरकार, एप्रेल 1994 निम्नलिखित व्यक्तियों को 28 मार्च, 1994 से चार वर्ष की अवधि के लिए, भारतीय रिवर्ब बैंक के केन्द्रीय बोर्ड में नियोगकों के रूप में समोनीत करती है:—

- श्री रतन नवल टाटा,
अध्यक्ष,
टाटा भवं लिमिटेड,
202 "बक्षतावर" लोग्गर कोलाबा रोड,
कोलाबा पोस्ट ऑफिस के सामने,
बम्बई-400 005
- श्री कृष्ण लाल चूग,
अध्यक्ष,
भाईटी सी लिमिटेड,
2, फालटेन कोर्ट,
7/1, निटिल रसल स्ट्रीट,
कलकत्ता-700 071
- श्री मुमताज अहमद,
मुख्य वायरपालक,
नायडा टी. कपर्सी (इंडिया) लिमिटेड
मानसी मंजिल, 4, मैनोला लेन,
कलकत्ता-700 001
- डा. शरदारा सिंह जोहर,
21, सौ. नुस्तेय नगर,
लूधियाना (पंजाब)।
- डा. सी. पार. हनुमंत राव,
240 बी. रोड नं. 18,
जूबनी हिल्स,
हैदराबाद-500 033
- डा. शाह मोहन सिंह,
अध्यक्ष, अमेन्टिस,
रेनवेक्टी लेयर्स इंडीज लिमिटेड,
15, अरंगजेब रोड,
नई दिल्ली-110 011
- डा. ए. म. एल. महोरे,
181, जाकिर बाग,
(ग्रूप एटेल के सामने)
नई दिल्ली-110 025
- डा. इमता पटेल,
प्रबन्ध निदेशक,
(राष्ट्रीय एंटरी विकास बोर्ड),
आणंव (गुजरात)-388 001
- श्री नोपाल गमानुजम, ¹
अध्यक्ष,
इंडियन नेशनल ट्रेड यूनियन कॉर्पोरेशन,
45, संयापट्टा हाई रोड,
मद्रास-600 014
- श्री विपिन मणिक,
स्टार्टर बेगवान, ²
वी. मणिक एंड एसोसिएट्स,
एम. 370, प्रेटर कैलाश, पार्ट II,
नई दिल्ली-110 048

2. भारतीय रिवर्ब बैंक अधिनियम, 1934 की धारा 8 की उपाधारा (4) के प्रावधारों के अनुसार, उपर्युक्त पैरा 1 से उल्लिखित नियोगकों की नियुक्ति ही जाने के परिणामस्वरूप, भारतीय रिवर्ब बैंक के केन्द्रीय बोर्ड में समोनीत निम्नलिखित वर्तमान नियोगक, दिनांक 28 मार्च, 1994 से नियोग नहीं होते:—

- श्री अणोक कुमार जैत,
- श्री आर. पी. गोयंका,
- डा. ए. एम. कहलौ,
- श्री रघु गज
- श्री आदित्य वी. बिडुला
- श्री आर. गणेशन
- श्री एम. एम. पठवर्धन
- श्री पी. एन. देवराजन

[फा. सं. 7/16/92-बी. बी. I(i)]

एन.एन. मुख्यमंत्री सदृक्ष मन्त्रिवाल

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 28th March, 1994

S.O. 892.—In exercise of the powers conferred by clause (c) of sub-section (1) of section 8 of the Reserve Bank of India Act, 1934 (2 of 1934), the Central Government hereby nominates the following persons to be the Directors of the Central Board of Directors of Reserve Bank of India, for a period of four years with effect from 28th March, 1994 :

- Shri Ratan Naval Tata,
Chairman, Tata Sons Ltd.,
202 "Bakhtavar" Lower Colaba Road,
Opp. Colaba Post Office,
Bombay—400 005.
- Shri Krishnan Lal Chugh,
Chairman,
ITC Ltd.,
2, Fountain Court,
7/1, Little Russel Street,
Calcutta—700 071.
- Shri Mumtaz Ahmad,
Chief Executive,
Namdang Tea Co. (India) Ltd.,
7th Floor, 4, Mango Lane,
Calcutta—700 001.
- Dr. Sardara Singh Johl,
21-C, Gurdev Nagar,
Ludhiana (Punjab).
- Dr. C. H. Hanumantha Rao,
240-B, Road No 18, Jubilee Hills,
Hyderabad—500 033.
- Dr. Bhair Mohan Singh,
Chairman Emeritus,
Ranbaxy Laboratories Ltd.,
15, Aurangzeb Road,
New Delhi—110 011.
- Dr. M. I. Shahare,
181, Zakir Bagh,
(Opp. Surya Hotel)
New Delhi—110 025.
- Dr. Amrita Patel,
Managing Director,
National Dairy Development Board,
Anand (Gujarat)—388 001.

9. Sh. Gopala Ramanujam,
President,
Indian National Trade Union Congress,
45, Royapettah High Road,
Madras—600 014.

10. Shri Vipin Malik,
Chartered Accountant,
V. Malik & Associates,
S-370, Greater Kailash Part-II,
New Delhi—110 048.

2. In accordance with the provisions of sub-section (4) of section 8 of the Reserve Bank of India Act, 1934, consequent to appointment of the directors as mentioned in para 1 above, the following existing directors nominated on the Central Board of Directors of the Reserve Bank of India shall cease to be directors with effect from 28th March, 1994 :—

1. Shri Ashok Kumar Jain
2. Shri R. P. Goenka
3. Dr A. S. Kahlon
4. Shri Raghu Raj
5. Shri Aditya V. Birla
6. Shri R. Canesan
7. Shri M. S. Patwardhan
8. Shri P. N. Devarajan.

[F. No. 7/16/92-B.O.I(i)]

N. N. MOOKERJEE, Jt. Secy.

नई दिल्ली, 28 मार्च, 1994

का.आ. 893.—भारतीय रिजर्व बैंक ग्रधिनियम, 1934 (1934 का 2) की धारा 9 की उपधारा (1) द्वारा प्रदत्त गविन्यों का प्रयोग करते हैं, केन्द्रीय गवर्नर, एन्ड्राधारा निम्ननियित अवकिन्यों को दिनांक 28 मार्च, 1994 से चार वर्ष की अवधि के लिए भारतीय रिजर्व बैंक के पश्चिमी बैंक के स्थानीय बोर्ड में सदस्यों के रूप में नियुक्त करती है :—

1. श्री येज्जी हीरजी मालेगाम,
मनबी लेखाकार,
गुलिसारी, 37 कफ परेड,
बम्बई-400 005
2. डा. बकुल एच. ढोलकिया,
410, भारतीय प्रबंध संस्थान,
ब्रह्मशालावाद-380 015
3. श्री प्रदीप पश्चालाल शाह,
प्रबन्ध निदेशक, सीधारग्नाइंसमाईएल,
82-ए, एस्टेट्सी अपार्टमेंट्स,
46, नेपियन सी रोड, बम्बई-400 006
4. डा. नीलकौश ए. कल्याणी,
आध्यक्ष एवं प्रबन्ध निदेशक,
भारत फोर्म लिं., पार्वती निवास,
221-डी, कल्याणी नगर, पुणे-411 014
5. श्री हन्द्र चन्द्र जैन,
सनदी लेखाकार, खण्डेनशाल जेन एण्ड कंपनी,
8-ए-के, मेकर टावर "क" 8 वां फ्लॉर,
जी.डी. सोमानी मार्ग, कफ रोड,
बम्बई-400 005
2. भारतीय रिजर्व बैंक ग्रधिनियम, 1934 की धारा 9 की उपधारा (3) के उपबंधों के अन्तर्गत में उपर्युक्त पैरा 1 में किए गए उल्लेख

के अनुसार सदस्यों की नियुक्ति के परिणामस्वरूप भारतीय रिजर्व बैंक के पश्चिमी बैंक के स्थानीय बोर्ड के निम्ननियित बांग्नामान ग्रध्य विनाश 28 मार्च, 1994 से सदस्य नहीं रहेंगे :—

1. श्री एम. एस. मराणे
2. श्री इस्तायत एम. कांगा
3. श्री आर. एन. हल्द्योप्रर
4. श्री कं. एन. चिमंकर
5. श्रीमती पद्मा एन्ज. राव

[फा. सं. 7/16/92-यो.आ-1 (ii)]

प.ए. एन. मुखर्जी, संयन्त्र भवित्व

New Delhi, the 28th March, 1994

S.O. 983.—In exercise of the powers conferred by sub-section (1) of section 9 of the Reserve Bank of India Act, 1934 (2 of 1934), the Central Government hereby appoints the following persons to be the members of the Western Area Local Board of the Reserve Bank of India for a period of four years with effect from 28th March, 1994 :—

1. Shri Yezdi Hirji Malegam,
Chartered Accountant,
Goolestan, 37, Cuffe Parade,
Bombay-400 005.
2. Dr. Bakul H. Dholakia,
410, Indian Institute of Management,
Ahmedabad-380 015.
3. Shri Pradip Panalal Shah,
Managing Director, CRISIL,
82A, Embassy Apartments,
46, Nepean Sea Road,
Bombay-400 006.
4. Dr. Neelkanth A. Kalyani,
Chairman & Managing Director,
Bharat Forge Ltd.,
Parvati Niwas,
221-D, Kalyani Nagar,
Pune-411 014.
5. Shri Inder Chand Jain,
Chartered Accountant,
Khandaival Jain & Co.,
83-K, Maker Tower 'K', 8th Floor,
G.D. Somani Marg, Cuffe Parade,
Bombay-400 005.
2. In accordance with the provisions of sub-section (3) of section 9 of the Reserve Bank of India Act, 1934, consequent to appointment of the members as mentioned in para 1 above, the following existing members of the Western Area Local Board of the Reserve Bank of India shall cease to be members with effect from 28th March, 1994 :—

1. Shri S. S. Marathe
2. Shri Ismail M. Kanga
3. Shri R. N. Haldipur
4. Shri K. N. Chimankar
5. Smt. Padma H. Rao.

[F. No. 7/16/92/B.O.I(ii)]
N. N. MOOKERJEE, Jt. Secy.

नई दिल्ली, 28 मार्च, 1994

का.आ. 894.—भारतीय रिजर्व बैंक ग्रधिनियम, 1934 (1934 का 2) की धारा 9 की उपधारा (1) द्वारा प्रदत्त गविन्यों का प्रयोग करते हैं, केन्द्रीय गवर्नर, एन्ड्राधारा निम्ननियित अवकिन्यों को दिनांक 28 मार्च, 1994

से चार वर्ष की अवधि के लिए भारतीय रिजर्व बैंक के पूर्वी क्षेत्र के स्थानीय बोर्ड में सदस्यों के रूप में नियुक्त करती है :—

1. श्री जमशेद जीजी ईरानी,
आध्यक्ष एवं प्रबंध निदेशक,
टिस्को लि.,
जमशेदपुर - 831 001
2. श्री तरुण चन्द्र दत्त,
आध्यक्ष,
पश्चिम बंगाल औद्योगिक विकास निगम लि.,
सी. ए. 238, सेक्शन 1, माल्ट लेक,
कलकत्ता - 700 064
3. डा. सुब्रत गांगुली,
कार्यकारी उपाध्यक्ष एवं प्रबंध निदेशक,
दि.एसोसियेटिड सीमेंट कम्पनी लि.,
फ्लैट नं. 11, मेकर टावर, "ए"
कफ परेड, कोलावा, बम्बई - 400 005
4. डा. सुबीर चौधरी,
निदेशक,
भारतीय प्रबंध संस्थान,
जोका, डायमण्ड हार्बर रोड, पो बा नं. 16757
ग्रामीण पोस्ट ऑफिस,
कलकत्ता - 700 027

2. भारतीय रिजर्व बैंक अधिनियम, 1934 की धारा 9 की उपधारा (3) के उपबंधों के अनुसरण में उपर्युक्त पैरा 1 में किए गए उल्लेख के अनुसार सदस्यों की नियुक्ति के परिणामस्वरूप भारतीय रिजर्व बैंक के पूर्वी क्षेत्र के स्थानीय बोर्ड के निम्नलिखित वर्तमान सदस्य दिनांक 28 मार्च, 1994 से सदस्य नहीं रहेंगे :—

1. श्री जाहरलाल मेनगुत,
2. श्री एम. एम. घोष,
3. श्री एस. के. पोद्दार
4. रेविरेंट तोम्सन जाम खोयंग।

[फा. सं. 7/16/92 - बी ओ - 1 (iii)]

एन. एन. मुखर्जी, संयुक्त सचिव

New Delhi, the 28th March, 1994

S.O. —In exercise of the powers conferred by sub-section (1) of section 9 of the Reserve Bank of India Act, 1934 (2 of 1934), the Central Government hereby appoints the following persons to be the members of the Western Area Local Board of the Reserve Bank of India for a period or four years with effect from 28th March, 1994:—

1. Shri Jamshed Jiji Irani,
Chairman & Managing Director,
TISCO Ltd.,
Jamshedpur-831 001.
2. Shri Tarun Chandra Dutt,
Chairman,
West Bengal Industrial Development Corp. Ltd.,
CA 238, Section I, Salt Lake,
Calcutta-700 064.
3. Dr. Subrata Ganguly,
Executive Vice-Chairman & Managing Director,
The Associated Cement Companies Ltd.,
Flat No. 11, Maker Towers 'A'
Cuffe Parade, Colaba,
Bombay-400 005.

4. Dr. Subir Chowdhury,
Director,
Indian Institute of Management,
Joka, Diamond Harbour Road,
P.B. No. 16757, Alipore Post Office,
Calcutta-700 027.

2. In accordance with the provisions of sub-section (3) of section 9 of the Reserve Bank of India Act, 1934, consequent to appointment of the members as mentioned in para 1 above, the following existing members of the Eastern Area Local Board of the Reserve Bank of India shall cease to be members with effect from 28th March, 1994:—

1. Shri Jaharlal Sengupta
2. Shri M. M. Ghosh
3. Shri S. K. Poddar
4. Rev. Tombing Jam Khothang

[F. No. 7/16/92/B.O.I(iii)]
N. N. MOOKERJEE, Lt. Secy.

नई दिल्ली, 28 मार्च, 1994

का. आ. 895 :— भारतीय रिजर्व बैंक अधिनियम, 1934 (1934 का 2) की धारा 9 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, निम्नलिखित व्यक्तियों को दिनांक 28 मार्च, 1994 से चार वर्ष की अवधि के लिए भारतीय रिजर्व बैंक के उत्तरी क्षेत्र के स्थानीय बोर्ड में सदस्यों के रूप में नियुक्त करती है :—

1. श्री पृथ्वी नाथ धर,
9, राज नारायण रोड,
सिविल लाइन्स,
दिल्ली - 110054
2. श्रीमती शोभना भारतीय,
17, फेंडस कालोनी (पश्चिम),
नई दिल्ली - 110065
3. श्री ब्रिज मोहन लाल,
उद्योगपति,
बी - 109, ग्रेटर कैलाश भाग - 1
नई दिल्ली 110 048
4. श्री डॉ. एच. पाई. पानंदीकर,
डब्ल्यू - 2, ग्रीन पार्क,
नई दिल्ली ।

2. भारतीय रिजर्व बैंक अधिनियम, 1934 की धारा 9 की उपधारा (3) के उपबंधों के अनुसरण में उपर्युक्त पैरा 1 में किए गए उल्लेख के अनुसार सदस्यों की नियुक्ति के परिणामस्वरूप भारतीय रिजर्व बैंक के उत्तरी क्षेत्र के स्थानीय बोर्ड के निम्नलिखित वर्तमान सदस्य दिनांक 28 मार्च, 1994 से सदस्य नहीं रहेंगे :—

1. डा. एस. आर. सैन,
2. श्री रघुनाथ राय
3. श्री भगत सिंह कदम

[फा. सं. 7/16/92 - बी ओ - 1 (4)]
एन. एन. मुखर्जी, संयुक्त सचिव

New Delhi, the 28th March, 1994

S.O. —In exercise of the powers conferred by sub-section (1) of section 9 of the Reserve Bank of India Act, 1934 (2 of 1934), the Central Government hereby appoints the following persons to be the members of the Northern Area Local Board of the Reserve Bank of India for a period

or four years with effect from 28th March, 1994:—

1. Shri Prithvi Nath Dhar;
9, Raj Narain Road.
Civil Lines,
Delhi-11054.
2. Smt. Shobhana Bhartia,
17, Friends Colony (West),
New Delhi-110 065.
3. Shri Brij Mohan Lall,
Industrialist,
B-109, Greater Kailash Part I,
New Delhi-110 048.
4. Shri D. H. Pal Panandiker,
W-2, Green Park,
New Delhi.

2. In accordance with the provisions of sub-section (3) of section 9 of the Reserve Bank of India Act, 1934, consequent to appointment of the members as mentioned in para 1 above, the following existing members of the Northern Area Local Board of the Reserve Bank of India shall cease to be members with effect from 28th March, 1994:—

1. Dr. S. R. Sen,
2. Shri Raghu Nath Rai
3. Shri Bhagat Singh Kadam

[F. No. 7/16/92-B.O. I-(IV)]
N. N. MOOKERJEE, Jt. Secy.

नई विल्ली, 28 मार्च, 1994

का०आ० 896—भारतीय रिजर्व बैंक अधिनियम 1934 (1934 का 2) की धारा 9 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतवाहारा, निम्नलिखित व्यक्तियों को दिनांक 28 मार्च, 1994 से चार वर्ष की अवधि के लिए भारतीय रिजर्व बैंक के दक्षिणी क्षेत्र के स्थानीय बोर्ड में सदस्यों के रूप में नियुक्त करती है:—

1. श्री एरासु अर्यापूर रेड्डी,
एड्वोकेट, द्वारकापुरी कालोनी,
पंजागुट्टा, 6-3-347/13,
हैदराबाद - 500004
2. श्री एन. सनकर,
उपाध्यक्ष एवं प्रबंध निदेशक,
कैरिकल्स पैकेजिंग इंडिया लि.,
8, कंधाड़िल रोड, मद्रास - 600086
3. श्री के. रामलंग्नी मेनन,
आई ए एस (सेवा निवृत्त) "गीतम"
कुण्डलिला, टैम्पल रोड, आफ पिल्का,
बीड़ू लेन, केसवापुरम - त्रिवेन्द्रम
4. श्री देवीनेनी सीतारमैया,
वरिष्ठ पार्टनर, मै. ब्रह्मैया एड कंपनी,
चार्टेड लेखाकार,
हैदराबाद - 500001

2. भारतीय रिजर्व बैंक अधिनियम, 1934 की धारा 9 की उपधारा (3) के उपभन्धों के अनुसरण में उपर्युक्त पैरा 1 में दिए गए उल्लेख के अनुसार सदस्यों की नियुक्ति के परिणामस्वरूप भारतीय रिजर्व बैंक के दक्षिणी क्षेत्र के स्थानीय बोर्ड के निम्नलिखित वर्तमान सदस्य दिनांक 28 मार्च, 1994 से सदस्य नहीं रहेंगे:—

1. श्री एम. वी. अरुणाचलम
2. श्री सी. श्रीकृष्ण
3. डा. सी. परवाधम्मा

[एफ. सं. 7/16/92 - वी. ओ. 1 (5)]

एन. एन. मुखर्जी, संयुक्त सचिव

New Delhi, the 28th March, 1994

S.O. 896.—In exercise of the powers conferred by sub-section (1) of section 9 of the Reserve Bank of India Act, 1934 (2 of 1934), the Central Government hereby appoints the following persons to be the members of the Southern Area Local Board of the Reserve Bank of India for a period of four years with effect from 28th March, 1994:—

1. Shri Erasu Ayyappu Reddy,
Advocate,
Dwarakapuri Colony,
Funjagutta 6-3-347/13,
Hyderabad-500 004.
2. Shri N. Sankar,
Vice Chairman & Managing Director,
Chemical and Plastics India Ltd.,
8, Cathedral Road,
Madras-600 086.
3. Shri K. Ramunni Menon,
IAS (Retd.),
'Geetham' Kunndiyala Temple Road,
Off Pilka Veedu Lane,
Kesavabdsapuram,
Trivandrum
4. Shri Devineni Seetharamaiah,
Senior Partner,
M/s. Brahmavva & Co., Chartered Accountants,
41-920, Tilak Road,
Hyderabad-500 001.

2. In accordance with the provisions of sub-section (3) of section 9 of the Reserve Bank of India Act, 1934 consequent to appointment of the members as mentioned in para I above, the following existing members of the Southern Area Local Board of the Reserve Bank of India shall cease to be members with effect from 28th March, 1994:—

1. Shri M. V. Arunachalam
2. Shri C. Sri Krishna
3. Dr. C. Paravathamma

[F. No. 7/16/92-B.I.O. 1(V)]
N. N. MOOKERJEE, Jt. Secy.

नई विल्ली, 28 मार्च, 1994

का०आ० 897—भारतीय रिजर्व बैंक अधिनियम, 1934 (1934 का 2) की धारा 8 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतदवारा चार स्थानीय बोर्डों के सदस्यों में से निम्नलिखित व्यक्तियों को 28 मार्च, 1994 से भारतीय रिजर्व बैंक के केन्द्रीय निदेशक मंडल में निदेशक के रूप में नामित करती है:—

1. श्री यजदी हीरजी मालेगम, परिषदी क्षेत्र स्थानीय सनदी लेखाकार (चार्टर्ड एकाउटेंट) बोर्ड से गुलीसां, 37, कफ परेड, बम्बई 400005
2. श्री जमशेद जीजी ईरानी, पर्वी क्षेत्र स्थानीय अध्यक्ष एवं प्रबंध निदेशक टीआईएससीओ (टिस्को) लि., जमशेदपुर-831001
3. श्री पृथ्वी नाथ धर, उत्तरी क्षेत्र स्थानीय 9, राजनारायण रोड, सिविल लाइन्स, नई विल्ली-110054
4. श्री एरासु अर्यापूर रेड्डी, दक्षिण क्षेत्र स्थानीय अभियक्ता, द्वारकापुरी कालोनी, पंजागुट्टा 6-3-347/13, हैदराबाद-500004

[फा.सं. 7/16/92-वी.ओ. 1(iv)]

एन.एन. मुखर्जी, संयुक्त सचिव

New Delhi, the 28th March, 1994

S.O. 897.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 8 of the Reserve Bank of India Act, 1934 (2 of 1934), the Central Government hereby nominates the following persons from among the members of the said Local Boards, to be directors of the Central Board of Directors of Reserve Bank of India with effect from 28th March, 1994:—

1. Shri Yezdi Hirji Malegam
Chartered Accountant, Golestan, 37, Cuffe Parade, Bombay 400 005.
from Western Area Local Board.
2. Shri Jamshed Jiji Irani,
Chairman & Managing Director, TISCO Ltd., Jamshedpur-831 001.
from Eastern Area Local Board.
3. Shri Prithvi Nath Dhar,
9, Raj Naren Road, Civil Lines, New Delhi-110 054.
from Northern Area Local Board.
4. Shri Erasu Ayyappu Reddy,
Advocate, Dwarkapuri Colony, Punjagutta 6-3-347/13, Hyderabad-500 004.
from Southern Area Local Board.

[F.No. 7/16/92-P.O.I (vi)]
N.N. MOOKERJEE, Lt. Secy.

शास्त्रिय संशोधन

नवी दिल्ली, 30 मार्च, 1994

का.आ. 898:—केन्द्रीय सरकार, नियंत्रित (क्वालिटी नियंत्रण और नियोजन) अधिनियम, 1963 (1963 का 22) की धारा 17 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, काजू की गिरियों का नियंत्रित (क्वालिटी नियंत्रण और नियोजन) नियम, 1986 का संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात्:—

1. (1) इन नियमों का संक्षिप्त नाम काजू की गिरियों का नियंत्रित (क्वालिटी नियंत्रण और नियोजन) संशोधन नियम, 1994 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. काजू की गिरियों का नियंत्रित (क्वालिटी नियंत्रण और नियोजन) नियम, 1986 में, नियम 4 के स्थान पर निम्नलिखित रूप जाएगा, अर्थात्:—

“4. नियोजन फीस:— (1) प्रति परेषण न्यूनतम 45 रुपए के अधीन रहते हुए, नियंत्रित दरों पर नियोजन फीस का संदाय किया जाएगा, अर्थात्:—

सारणी

मध्ये	नियम 3(क) के आधार पर किए गए नियोजन के लिए (परेषणानुसार नियोजन)	नियम 3 (ख) के आधार पर किए गए नियोजन के लिए (परेषणानुसार नियोजन)
(1) काजू की गिरियों के सभी ग्रेड (भूनी हुई और नमक लगी हुई काजू की गिरियों से भिन्न)	(प्रतिकिलोग्राम या उसके भाग के लिए पैसे)	(प्रति किलोग्राम या उसके भाग के लिए पैसे)
(2) भूनी हुई और नमक लगी हुई काजू की गिरियां	56	28
	87	44

(2) ऐसे विनिर्माता—नियंत्रिकर्ता जो सम्बद्ध राज्य सरकारों या संघ राज्य क्षेत्रों की सरकारों के पाम लघु उद्योग प्रक्रियों के रूप में नियंत्रित हैं, प्रत्येक परेषण पर उपनियम (1) में विहित दरों के अनुसार संगणित नियोजन फीस का प्रत्येक परेषण न्यूनतम 45 रुपये के अधीन रहते हुए, इस प्रतिशत की छूट के साथ नियोजन फीस का संदाय अभिकरण को करेंगे।

स्पष्टीकरण :

नियंत्रिकर्ता द्वारा प्रत्येक परेषण के लिए उपर उल्लिखित नियम के अनुसार संगठित संदेय नियोजन फीस की रकम न्यूनतम रूपदे में पूर्णकित की जायेगी और इस प्रयोजन के लिए जहां ऐसी रकम में पैसों के रूप में रुपये का भाग है और ऐसा भाग 50 पैसे या उससे अधिक है, वहां उसे एक रुपए तक बढ़ा दिया जाएगा और यदि ऐसा भाग 50 पैसे से कम है तो उसे गिनती में नहीं लिया जायेगा।”

[फाइल सं. 6(25)/86-ईआई एंड ईपी]

कु. सुमा सुब्बाणा, निदेशक

पाद टिप्पणि :

मूल नियम का.आ. 783 तारीख 01-03-1986 द्वारा प्रकाशित किए गए थे और का.आ. 905(अ), 1986, का.आ. 682, 1988 और का.आ. 529 तारीख 18-3-1989, का.आ. 840 तारीख 7-4-1990, का.आ. 241(अ) तारीख 6 अप्रैल, 1991 द्वारा संशोधित किए गए थे।

MINISTRY OF COMMERCE

New Delhi, the 30th March, 1994

S.O. 898.—In exercise of the powers conferred by section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963) the Central Government hereby makes the following rules to amend the export of Cashew Kernels (Quality Control and Inspection) Rules, 1986, namely :—

- (1) These rules may be called the Export of Cashew Kernels (Quality Control and Inspection) Amendment Rules 1994.
- (2) They shall come into force on the date of their publication in the official Gazette.
- In the Export of Cashew Kernels (Quality Control and Inspection) Rules, 1986 for rule 4, the following rule shall be substituted namely :—

“4. Inspection fee.—(1) subject to a minimum of Rs. 45/- for each consignment, a fee at the rates mentioned in Table below shall be paid by the exporter to the Agency as inspection fee, namely :—

TABLE

Item	For Inspection carried out on the basis of rule 3(a) consignment wise inspection)	For Inspection carried out on the basis of rule 3(b) (In process Quality Control System)
	(Paise per Kg. or part thereof.)	Paise per kg. or part thereof.
(1) All grades of Cashew Kernel (other than roasted and salted cashew Kernels).	56	28
(2) Roasted and salted Cashew Kernels	87	44
(2) subject to the minimum of Rs. 45/- per consignment, manufacturers-exporters who are registered as small scale manufacturing units with the concerned Government of States or Union Territories shall pay inspection fee to the Agency with a rebate of ten per cent, of the inspection fee computed in accordance with the rates prescribed in sub-rule (1) on each consignment.		

Explanation.—The amount of inspection fee computed in accordance with the above mentioned rule for each consignment payable by the exporter shall be rounded off to the nearest rupee and, for this purpose, where such amount contains a part of rupee consisting of paise, then, if such part is fifty paise or more, it shall be increased to one rupee and if such part is less than fifty paise, it shall be ignored.”

[F.No. 6/25/86 EI&EP.]

KUM. SUMASUBANNA, Director

Foot Note:— Principal rules were published vide S.O. 783 dated 1-3-1986 and amended by S.O. 905 (E) of 1986, S.O. 682 of 1988, S.O. 529 dated 18-3-1989, S.O. 840 dated 7-4-1990 and, S.O. 241 (E) dated 6-4-1991.

कृषि मंत्रालय

(कृषि एवं सहकारिता विभाग)

मुद्रित-पत्र

नई दिल्ली, 31 मार्च, 1994

का.धा. 899:—इस विभाग की दिनांक 1-3-1994 की सम संबोधीक अधिसूचना में ग्रांशिक संशोधन के परिणाम स्वरूप “राजस्थान वित्त निगम के अध्यक्ष सह-प्रबन्ध निदेशक” शब्दों के स्थान पर “राजस्थान सरकार, पर्यटन, कला एवं संस्कृति, लोक सम्पर्क विभाग के सचिव के रूप में कार्यरत” शब्द रखे जाएं।

इसे कृषि एवं सहकारिता विभाग के सक्षम प्राधिकारी के अनुमोदन से जारी किया जा रहा है।

[सं. एल.-12011/2/94-प्राई. एंड पी.]
वि. एस. डकरात अवर सचिव

MINISTRY OF AGRICULTURE

(Dept. of Agriculture & Cooperation)

CORRIGENDUM

New Delhi, the 31st March, 1994

S.O. 899.—In partial modification to the Departmental Notification of even number dated 1-3-1994, the word “working as CMD, Rajasthan Financial Corporation” may be substituted with the following words “working as Secretary to Government of Rajasthan, Tourism, Art and Culture, Public Relations Department”.

This issues with the approval of the competent authority in the Deptt. of Agriculture & Cooperation.

[No. L-12011/2/94-I&P]

V. S. THAKRAL, Under Secy.

MINISTRY OF URBAN DEVELOPMENT
(Directorate of Estates)

CORRIGENDUM

New Delhi, the 21st March, 1994

S.O. 900.—In the notification of the Government of India, in the Ministry of Urban Development (Directorate of

Estates), S.O. No. 2107 dated 22-7-91 published at page 3200 of the Gazette of India dated 10-8-91, Part II, Section 3(ii), the following may be added in column-1 of the Table:—

“2 Engineering Officer to Superintending Surveyor of Works (North Eastern Zone).”

[F. No. 11013/4/84-Pol.IV]
R. D. SAHAY, Dy. Director of Estates (P)

पेट्रोलियम और केमिकल्स मंत्रालय

नई दिल्ली, 29, मार्च, 1994

का. आ. 901—जबकि केन्द्र सरकार यह अनुमति करनी है कि सार्वजनिक हित में यह आवश्यक है कि अधिकारी कमांगलम जो जो एस में एम.आर.एल. पन्नगुडी गैस पैपलेन स्ट एंट्रोलियम पवार्स एवं प्राकृतिक गैस लाने के लिये पाइप लाइन परियोजने के अस्तर्गत पाइप नाइन गैस अपारिटी और इंडिया लिमिटेड द्वारा बिलाया जाना है।

और यह भी अनुमति करती है कि उस कार्य के लिये उसके साथ संलग्न विवरणीय में निर्धारित भूमि पर प्रयोक्ता का अधिकार प्राप्त करना आवश्यक है।

अतः पेट्रोलियम एवं खनिज पाइप लाइन (भूमि पर प्रयोक्ता का अधिकार प्राप्त) प्रधिनियम, 1962 (1962 का 50) के खंड 3 के उपखंड (1) द्वारा प्रवत्त अधिकारी का प्रयोग करने हुए केन्द्र सरकार एनडब्ल्यू उस पर प्रयोक्ता का अधिकार प्राप्त करने की मंशा की घोषणा करनी है।

बताते हैं कि उक्त भूमि में अपनी रुचि रखने वाला कोई भी व्यक्ति अधिसूचना की तारीख में 21 दिन के भीतर भूमिगत पाइप लाइन विभागों के विरोध में अपनी आपसि संक्षम प्राधिकारी गैस अपारिटी और इंडिया लिमिटेड कावेरी बेसिन नीला भेल्वडम पोकिक सड़क, नामांगटिणम नागे कायिंगमिल्लत, जिला तमिलनाडु-611 001 दर्ज करा सकता है।

और ऐसी आपरित दर्ज करने मध्ये किनी भी अधिकार को विशेष रूप से निर्दिष्ट करना हीता कि वह व्यक्तिगत रूप के अश्वा विधि अवसायक के माध्यम से अपना भूमि करना चाहता है।

अनुसूची

प्रादिक्कमंगलम जो जी.एस में एम.आर.एल. पन्नगुडी गैस पाइपलाइन स्ट

क्षेत्रफल

खंडपत्र	तालिका	तालिका	ग्राम	मर्वे नं.	इकाई	एकड़ में	विवरण
1	2	3	4	5	6	7	
तमिलनाडु	नार्ग	निलवालर	25-प्रगर व्रहमन्तुर	243/2	0.06.0	0.15	
	काइद-मिल्लत			427/1	0.01.0	0.02	
				429/2	0.10.5	0.26	
				429/3	0.00.5	0.01	
				429/4	0.05.0	0.12	
				180/3	0.02.0	0.05	
				180/4	0.11.0	0.27	
				31/1	0.07.0	0.17	
				31/2	0.05.5	0.14	
				31/3	0.06.5	0.16	
				31/4	0.03.0	0.08	
				30/3	0.00.5	0.01	
				32/2	0.03.0	0.08	
				32/3	0.10.0	0.25	
				22/1	0.09.0	0.22	
				22/2	0.00.5	0.01	
				24/1 भी	0.00.5	0.01	
				24/4	0.05.5	0.14	
				23/1	0.07.5	0.18	
				25/1	0.01.0	0.02	
				25/2	0.10.0	0.25	
				25/3	0.05.0	0.12	
				25/4	0.04.0	0.10	
				25/5	0.00.5	0.01	
				16/2	0.09.0	0.22	
				16/3	0.04.0	0.10	

1	2	3	4	5	6
तामिलनाडु	नाग-काइद-मिलेत	तिक्काकुर	25-अगर आडमबनूर	6/7 बी	0.04.5
				6/11	0.04.0
				6.12	0.04.0
				6/13	0.01.0
				11/5 बी	0.05.5
				11/6	0.03.5
				12/1	0.00.5
				12/2	0.04.5
				12/3	0.01.5
				10/3 बी	0.03.5
				10/3 शी	0.04.0
				10/3 शी	0.05.0
					0.11
					0.10
					0.10
					0.02
					0.14
					0.09
					0.01
					0.11
					0.04
					0.09
					0.10
					0.12

[म. एल-14016/8/93-जी शी]
मध्यन्तु सेवा, निवेशक

MINISTRY OF PETROLEUM & CHEMICALS

New Delhi, the 29th March, 1994

S.O. 901.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum Gas from Adiyakkamangalam GGS to M.R.L. Panangudy pipe line, should be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto.

Now, therefore, in exercise of the powers conferred by Sub-Section (1) of the Section 3 of the Petroleum and Minerals pipe line (Acquisition of Right of user in the land) Act, 1962 intention to acquire the right of user therein :

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipe line under the land to the Competent Authority, Gas Authority of India Ltd., Cauvery Project, Nagapattinam, Pin-611001.

And every person making such an objection shall also state specifically where he wishes to be heard in person or by legal practitioner.

SCHEDULE

Adiyakkamangalam GGS to M.R.L., Panangudi Gas Pipe Line Route

State	District	Taluk	Village No. & Name	Survey Nos.	Area		Remarks
					In Hectares	In Acre cent	
1	2	3	4	5	6	7	
Tamil Nadu	NAGAI, QUAID-E- MILLETH	Thiruvarur	25-Agarakadambanur	243/2	0-06-0	0-15	
				427/1	0-01-0	0-02	
				429/2	0-10-5	0-26	
				429/3	0-00-5	0-01	
				429/4	0-05-0	0-12	
				180/3	0-02-0	0-05	
				180/4	0-11-0	0-27	
				31/1	0-07-0	0-17	
				31/2	0-05-5	0-14	
				31/3	0-06-5	0-16	
				31/4	0-03-0	0-08	
				30/3	0-00-5	0-01	
				32/2	0-03-0	0-08	
				32/3	0-10-0	0-25	
				22/1	0-09-0	0-22	
				22/2	0-00-5	0-01	
				24/1B	0-00-5	0-01	
				24/4	0-05-5	0-14	
				23/1	0-07-5	0-18	
				25/1	0-01-0	0-02	

1	2	3	4	5	6	7
Tamil Naidu	Naga-i-Quaid-E-Milleth	Thiruvan	25-Agarakadambanur	25/2	0-10-0	0-25
				25/3	0-05-0	0-12
				25/4	0-04-0	0-10
				25/5	0-00-5	0-01
				16/2	0-09-0	0-22
				16/3	0-04-0	0-10
				6/7B	0-04-5	0-11
				6/11	0-04-0	0-10
				6/12	0-04-0	0-10
				6/13	0-01-0	0-02
				11/5B	0-05-5	0-14
				11/6	0-03-5	0-09
				12/1	0-00-5	0-01
				12/2	0-04-5	0-11
				12/3	0-01-5	0-04
				10/3B	0-03-5	0-09
				10/3C	0-04-0	0-10
				10/3D	0-05-0	0-12

[No. L-14016/8/93-GP]
ARDHENDU SEN, Director

नई विल्ली, 29 मार्च, 1994

का.आ. 902.—जबकि केन्द्र सरकार यह अनुभव करती है कि सार्वजनिक हित में यह आवश्यक है कि अधिकारकमंगलम जी जी एस से एम आरएल पनंगुडी गैस गाइपलाइन रुट पेट्रोलियम परायं एवं प्राकृतिक गैस लाने के लिये पाइप लाइन परियोजना के प्रत्यर्थी पाइप लाइन गैस अस्यारिटी आफ डिप्लोमा लिमिटेड द्वारा विठाया जाना है।

और यह भी अनुभव करती है कि उस कार्य के लिये उसके साथ मंत्रालय में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है।

प्रतः पेट्रोलियम एवं अन्य व्यापार गैस लाइन (भूमि पर प्रयोक्ता का अधिकार ग्रहण अधिनियम, 1962 (1962 का 50) के खण्ड 3 के उपखण्ड (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एवं द्वारा उस पर प्रयोक्ता का अधिकार ग्रहण करने का मंशा की घोषणा करती है।

व्यापतें कि उक्त भूमि में अपनी रुचि रखने वाला कोई भी अकिल अधिसूचना की तारीख से 21 दिन के भीतर भूमिगत पाइप लाइन विछाने के विरोध में अपनी आपनी सक्षम प्राधिकारी एवं अस्यारिटी आफ डिप्लोमा लिमिटेड कार्डेरी ब्रेसिन नीला बेस्कॉम पोकिल मैट्क, नागपर्ट्टिटम नारे कायिसेमिलत जिला तमिलनाडु 611 001 दर्ज करा सकता है।

और ऐसी आपसि दर्ज करने समय किसी भी अस्तित्व को विचोरण के तरीके करता होया कि उस वारिता का ने प्रयोग विदि व्यवसाय के माध्यम से अपना भूत करना चाहता है।

अनुसूची

अधिकारकमंगलम जी जी एस से एम आरएल पनंगुडी गैस गाइपलाइन रुट।

जनपद	तहसील	नामक	प्राम	सर्वेन.	क्षेत्रफल			विवरण
					5	6	6	
तमिलनाडु	नारी	निश्चालर	24-खोहर	134/1	0.16.0	0.40		
	कार्श्वर्मिलत			133/2	0.07.0	0.17		
				133/4 ए	0.01.5	0.04		
				133/4 बी	0.08.0	0.20		
				137/1	0.07.0	0.17		
				142/1	0.01.0	0.02		
				142/2 ए	0.13.5	0.33		
				142/3	0.01.5	0.04		
				141/2	0.01.5	0.04		

1	2	3	4	5	6	7	8
தமின்தாஷ்	நார்- காஃபி- ஸில்லா	பிக் வார்ட்	24-காதூர்	141/3	0.05.0	0.12	
				141/4	0.02.0	0.05	
				141/5	0.02.0	0.05	
				141/6	0.03.0	0.08	
				145/3	0.05.0	0.12	
				145/4	0.10.0	0.25	
				147	0.02.0	0.05	
				126/5 ஏ	0.00.5	0.01	
				126/5 கி	0.10.0	0.25	
				125/1	0.13.0	0.32	
				125/3 ஏ	0.01.5	0.04	
				122/2	0.09.0	0.22	
				121/3	0.17.0	0.42	
				178/1 ஏ	0.06.0	0.15	
				178/1 கி	0.08.0	0.20	
				178/1 ஸி	0.02.0	0.05	
				178/1 ஶி	0.01.5	0.04	
				92/4	0.07.0	0.17	
				89/1 ஏ	0.02.5	0.06	
				89/1 கி	0.06.5	0.16	
				89/2	0.07.0	0.17	
				90/3	0.05.5	0.14	
				90/4	0.04.0	0.10	
				88/1	0.01.0	0.02	
				85/2	0.07.0	0.17	
				85/3	0.05.0	0.12	

[सं. एस-14016/8/93-जीपी]
आधநு மென, நிவேஷக

New Delhi, the 29th March, 1994

S.O. 902.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum Gas from Adiyakkamangalam GGS to MRI, Panangudy pipeline, should be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto.

Now, therefore, in exercise of the powers conferred by Sub-Section (1) of the Section 3 of the Petro-

leum and Minerals pipe line (Acquisition of Right of user in the land) Act, 1962 intention to acquire the right of user therein :

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipe line under the land to the Competent Authority, Gas Authority of India Ltd., Cauvery Project, Nagapattinam, Pin-611001.

And every person making such an objection shall also state specifically where he wishes to be heard in person or by legal practitioner.

SCHEDULE

Adiyakkamangalam GGS to M.R.L. Panangudi Gas Pipe Line Route

State	District	Taluk	Village No. & Name	Survey Nos.	Area		Remarks
					In Hectares	In Acre cent	
1	2	3	4	5	6	7	
Tamil Nadu	NAGAI, QUAID-E- MILIFTH	Tiruv. sur	24-Kohoot	134/1 133/2 133/4A 133/4B 137/1	0-16-0 0-07-0 0-01-5 0-08-0 0-07-0	0-40 0-17 0-04 0-20 0-17	

	5	6	7
	142/1	0-01-0	0-02
	142/2A	0-13-5	0-33
	142/3	0-01-5	0-04
	141/2	0-01-5	0-04
	141/3	0-05-0	0-12
	141/4	0-02-0	0-05
	141/5	0-02-0	0-04
	141/6	0-03-0	0-08
	145/3	0-05-0	0-12
	145/4	0-10-0	0-25
	147	0-02-0	0-05
	126/5A	0-00-5	0-01
	126/5B	0-10-0	0-25
	125/1	0-13-0	0-32
	125/3A	0-01-5	0-04
	122/2	0-09-0	0-22
	121/3	0-17-0	0-42
	178/1A	0-06-0	0-15
	178/1B	0-08-0	0-20
	178/1C	0-02-0	0-05
	178/1D	0-01-5	0-04
	92/4	0-07-0	0-17
	89/1A	0-02-5	0-06
	89/1B	0-06-5	0-16
	89/2	0-07-0	0-17
	90/3	0-05-5	0-14
	90/4	0-04-0	0-10
	88/1	0-01-0	0-02
	85/2	0-07-0	0-17
	85/3	0-05-0	0-12

[No. L-14016/8/93-GP]

ARDHENDU SEN, Director

नई विल्सनी, 29 मार्च, 1994

का.आ. 903.—ग्रामी केन्द्र सरकार यह अनुमत करती है कि सार्वजनिक वित्र में यह आवश्यक है कि ऐट्रोनियम पदार्थ एवं प्राकृतिक जैसे लाने के लिये अधिकारीय गैलम जो ज़िएस से एम आर एन एन्ड हीमूर्ट गैस पाइपलाइन रूट लाइन परियोजना के अन्तर्गत पाइप लाइन गैस अधिकारी शाफ इण्डिया लिमिटेड द्वारा बिल्डा जाना है।

श्रीम यद भी अनुमत करती है कि उस वार्ष के लिये उसके साथ संसद विवरणीय में निर्धारित भूमि पर प्रयोक्ता का अधिकार गहन करना आवश्यक है।

द्रष्ट ऐट्रोनियम एवं खनिज पाइप लाइन (भूमि पर प्रयोक्ता का अधिकार गहन अधिनियम, 1962 (1962 का 50) के अप्पल 3 के उपर्युक्त (1) द्वारा प्रदत्त गवानियों का प्रयोग करते हुए केन्द्र सरकार एवं द्वारा उस पर प्रयोक्ता का अधिकार गहन करते की मंथा की घोषणा करती है।

बायां कि उक्त भूमि में अपनी रुचि रखने वाला कोई भी अधिक अधिवृचना का निरीक्षा से 21 दिन के सीतर भूमिगत पाइप लाइन बिल्डा के द्वितीय में अपनी आपनि संबंध प्राप्तिकर्ता गैस अधिकारी शाफ इण्डिया लिमिटेड ने द्वारे अभिन नीला मेलवरम पोर्टिक बृहक नागपट्टिनग नारी कालितेसिल्लम निला अमिलनार्थ-611 001 दर्ज करा सकता है।

जौन ऐसी आवासि दर्ज करने ममत किसी भी व्यक्ति की विशेष रूप में निविष्ट करना हीना कि वह अविनियत स्थ से अथवा विधि व्यवसायक के मालग्रह से प्रपत्त मत करना चाहता है।

सन्मूची

प्रार्थितकर्त्तव्यात्मक जी जो एम भे एम शार एल पनंगुडी गैम पार्श्व साइट रुट

क्षेत्रफल

जनपद	नगरपाल	नामक्र	शाम नं. और नाम	मर्क नं.	डेस्टियर	एकड़ में	विवरण
तमिलनाडु	नगरी	तिरुवाक्कर	235-बड़वार्ड	239/2	0.02.0	0.05	
				239/3	0.05.5	0.14	
				239/4	0.04.0	0.10	
				239/6	0.00.5	0.01	
				239/7 ए	0.01.0	0.02	
				239/7 बी	0.10.0	0.25	
				239/7 ची	0.06.0	0.15	
				239/8 ए	0.01.0	0.02	
				239/15	0.00.5	0.01	
				239/16	0.01.5	0.04	
				235/7	0.10.0	0.25	
				235/8 ची	0.02.5	0.06	
				235/13	0.08.5	0.21	
				76/4	0.01.0	0.02	
				76/5	0.12.5	0.31	
				77/1	0.08.0	0.20	
				77/2	0.11.5	0.29	
				90	0.02.5	0.06	
				89/1	0.06.0	0.15	
				91/9	0.05.5	0.14	
				91/10	0.08.0	0.20	
				92/2	0.05.5	0.14	
				92/3	0.15.0	0.36	
				93/4	0.05.5	0.14	
				93/5	0.08.0	0.20	
				93/6	0.02.0	0.05	
				101/3	0.00.5	0.01	
				101/4	0.04.5	0.11	
				101/6 ए	0.06.0	0.15	
				107/3	0.02.5	0.06	
				107/4	0.08.5	0.21	
				106/2	0.00.5	0.01	
				106/3	0.03.5	0.09	
				106/4	0.04.0	0.10	
				106/6	0.03.5	0.09	
				109/1	0.01.0	0.02	
				109/2 ए	0.02.0	0.05	
				109/2 बी	0.08.0	0.20	
				109/2 ची	0.12.0	0.30	
				37/1 बी	0.05.5	0.14	
				36/2	0.04.0	0.08	
				31/2	0.32.0	0.80	
				32 ए/2 ए	0.00.5	0.01	

1	2	3	4	5	6	7
तमिऩ्नाडु	नाम	निष्कारण	23-वडार	7/1 ए	0.09.0	0.22
		क्षात्र-भिल्ली		7/1 बॉ	0.06.0	0.15
				7/2	0.12.0	0.30
				6/12	0.07.5	0.18
				130/1	0.08.0	0.20
				130/5	0.07.0	0.17
				131/1	0.05.5	0.14
				131/2	0.00.5	0.01

[मं.पत्र- 14016/8/95-जी पी]

अध्येतु सेत, निदेशक

New Delhi, the 29th March 1994

S.O. 903.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum Gas from Adiyakkamangalam GGS to MRL Panangudi pipe line, should be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto.

Now, therefore, in exercise of the powers conferred by Sub-Section (1) of the Section 3 of the Petro-

leum and Minerals pipe line (Acquisition of Right of user in the land) Act, 1962 intention to acquire the right of user therein :

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipe line under the land to the Competent Authority, Gas Authority of India Ltd., Cauvery Project, Nagapatinam, Pin-611001.

And every person making such an objection shall also state specifically where he wishes to be heard in person or by legal practitioner.

SCHEDULE

Adiyakkamangalam GGS to MRL Panangudi Gas Pipe Line Route

State	District	Taluk	Village No. & Name	Survey Nos.	Area			Remarks
					In Hectares	In Acre	In Cent	
1	2	3	4	5	6	7		
Tamil Nadu	NAGAI, QUAID-E- MILLETH	Tiruvarur	23-वडार	239/2 239/3 239/4 239/6 239/7A 239/7B 239/7C 239/8A 239/15 239/16 235/7 235/8C 235/13 76/4 76/5 77/1 77/2 90 89/1 91/9 91/10 92/2 92/3 93/4 93/5	0-02-0 0-05-5 0-04-0 0-00-5 0-01-0 0-10-0 0-06-0 0-01-0 0-00-5 0-01-5 0-10-0 0-02-5 0-08-5 0-01-0 0-12-5 0-08-0 0-11-5 0-02-5 0-06-0 0-05-5 0-08-0 0-05-5 0-15-0 0-05-5 0-08-0	0-05 0-14 0-10 0-01 0-02 0-25 0-15 0-02 0-01 0-04 0-25 0-06 0-21 0-02 0-31 0-20 0-29 0-06 0-15 0-14 0-20 0-14 0-30 0-14 0-20	0-05 0-14 0-10 0-01 0-02 0-25 0-15 0-02 0-01 0-04 0-25 0-06 0-21 0-02 0-31 0-20 0-29 0-06 0-15 0-14 0-20 0-14 0-30 0-14 0-20	

	5	6	7
93/6	0-02-0	0-05	
101/3	0-00-5	0-01	
101/4	0-04-5	0-11	
101/6A	0-06-0	0-15	
107/3	0-02-5	0-06	
107/4	0-08-5	0-21	
106/2	0-00-5	0-01	
106/3	0-03-5	0-09	
106/4	0-04-0	0-10	
106/6	0-03-5	0-09	
109/1	0-01-0	0-02	
109/2A	0-02-0	0-05	
109/2B/2	0-08-0	0-20	
109/2C	0-12-0	0-30	
37/1B	0-05-5	0-14	
36/2	0-04-0	0-08	
31/2	0-32-0	0-80	
32A/2A	0-00-5	0-01	
7/1A	0-09-0	0-22	
7/1B	0-06-0	0-15	
7/2	0-12-0	0-30	
6/12	0-07-5	0-18	
130/1	0-08-0	0-20	
130/5	0-07-0	0-17	
131/1	0-05-5	0-14	
131/2	0-00-5	0-01	

No. [L-14016/8/93-GP]

ARDHENDU SEN, Director

नई दिल्ली, 29 मार्च, 1994

का.ग्रा. 904.—जबकि केन्द्र सरकार यह घनुभव करती है कि सार्वजनिक वित्त में यह आवश्यक है कि पेट्रोलियम पदार्थ एवं प्राकृतिक गैस लाने के लिये अडियक्कमंगलम जी जी एस से एम आर एल पनंगुड़ी गैस पाइप लाइन रुट पाइप लाइन परियोजन के अन्तर्गत पाइप लाइन गैस अपॉर्टिटी आफ इंडिया लिमिटेड द्वारा बिलाया जाता है।

और यह भी घनुभव करती है कि उस कार्य के लिये उसके साथ संलग्न विवरणी में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है।

प्रत: पेट्रोलियम एवं खनिज पाइप लाइन (भूमि पर प्रयोक्ता का अधिकार ग्रहण) अधिनियम, 1962 (1962 का 50) के खण्ड 3 के उपखण्ड (1) द्वारा प्रथम शक्तियां का प्रयोग करते हुए केन्द्र सरकार एहतद्वारा उस पर प्रयोक्ता का अधिकार ग्रहण करने की मंशा की घोषणा करती है।

दरअसें कि उक्त भूमि में अपनी रुचि रखने वाला कोई भी व्यक्ति अधिसूचना की तारीख से 21 दिन के भारत भूमिगत पाइप लाइन के विरोध में अपनी आपसि संबंध प्राधिकारी, गैस अपॉर्टिटी आफ इंडिया लिमिटेड, कार्बोरी बैंसिन, नौका बेलवडम सहक, नायपट्टिटगम, नारी, कापितेमिलत जिला, तमिलनाडु 611 001 दर्ज करा सकता है।

और ऐसी आपसि दर्ज कराते समय फिसी भी व्यक्ति को विशेष रूप से निर्दिष्ट करता होगा कि वह व्यक्तिगत रूप में अपना विधि व्यवसायक के माध्यम से अपना मत करना चाहता है।

घनुभवों

अडियक्कमंगलम जी जी एस से एम आर एल पनंगुड़ी गैस पाइप लाइन रुट

जनपद	सहस्रांश	तालुक	ग्राम नं. और नाम	सर्वे नं.	क्षेत्रफल		विवरण
					हेक्टेयर	एकड़ में	
तमिलनाडु	नारी	नौका बेलवडम	122-नरिमणम	111/63	0.01.0	0.01	
				111/65	0.02.0	0.05	
				111/68	0.02.5	0.06	

1	2	3	4	5	6	7
तमिल नाडू नागे काईदे-पिल्लून	नन्नीलम	122-नरिमणम	111/69	0.00.5	0.01	
			111/70	0.00.5	0.01	
			111/71	0.00.5	0.01	
			111/72	0.01.0	0.02	
			111/73	0.02.0	0.05	
			111/74	0.04.5	0.11	
			113/23 ए	0.07.5	0.18	
			113/23 बी	0.06.0	0.15	
			114/1	0.00.5	0.01	
			114/2	0.04.0	0.10	
			114/4	0.07.0	0.17	
			116/11	0.06.0	0.15	
			116/12	0.05.0	0.12	
			116/14	0.02.0	0.05	
			116/15	0.07.5	0.18	
			116/16	0.04.5	0.11	
			127/12	0.02.5	0.06	
			127/14	0.04.0	0.10	
			126/1 बी	0.01.0	0.02	
			126/2	0.03.0	0.08	
			126/3	0.03.0	0.08	
			126/5	0.01.5	0.04	
			126/6	0.07.5	0.18	
			126/9	0.02.5	0.06	
			126/10 ए	0.05.0	0.12	
			126/10 बी	0.01.0	0.02	

[सं. पं. 14016/8/93-जी फी]
प्रधान सेन, निदेशक

New Delhi, the 29th March, 1994

S.O. 904.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum Gas from Adiyakkamangalam GGS to M.R.L Panangudy pipe line, shculd be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto.

Now, therefore, in exercise of the powers conferred by Sub-Section (1) of the Section 3 of the Petro-

leum and Minerals pipe line (Acquisition of Right of user in the land) Act, 1962 intention to acquire the right of user therein.

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipe line under the land to the Competent Authority, Gas Authority of India Ltd., Cauvery Project, Nagapattinam, Pin-611001.

And every person making such an objection shall also state specifically where he wishes to be heard in person or by legal practitioner.

SCHEDELE
Adiyakkamangalam GGS to M.R.L Panangudi Gas Pipe Line Route.

State	District	Taluk	Village No. & Name	Survey Nos.	Area			Remarks
					In Hectares	In Acre	In Cent	
1	2	3	4	5	6	7		
Tamil Nadu	NAGAI. QUAID-E- MILLETH	Nannilam	122--Narimanam	111/63 111/65 111/68 111/69 111/70	0-01-0 0-02-0 0-02-5 0-00-5 0-00-5	0-02 0-05 0-06 0-01 0-01		

1	2	3	4	5	6	7
				111/71	0-00-5	0-01
				111/72	0-01-0	0-02
				111/73	0-02-0	0-05
				111/74	0-04-5	0-11
				113/23A	0-07-5	0-18
				113/23B	0-06-0	0-15
				114/1	0-00-5	0-01
				114/2	0-04-0	0-10
				114/4	0-07-0	0-17
				116/11	0-06-0	0-15
				116/12	0-05-0	0-12
				116/14	0-02-0	0-05
				116/15	0-07-5	0-18
				116/16	0-04-5	0-11
				127/12	0-02-5	0-06
				127/14	0-04-0	0-10
				126/1B	0-01-0	0-02
				126/2	0-03-0	0-08
				126/3	0-03 0	0-08
				126/5	0-01-5	0-04
				126/6	0-07-5	0-18
				126/9	0-02-5	0-06
				126/10A	0-05-0	0-12
				126/10B	0-01-0	0-02

[No. L-14016/8/93-GP]

ARDHENDU SEN, Director

नई विस्ती, 28 अप्रैल, 1994

का, आ. 905—जबकि केन्द्र सरकार यह अनुभव करती है कि सार्वजनिक हित में यह आवश्यक है कि अधियक्षमंगलम जी. जी. एम. से एम. आर. एल. पर्नगुड़ी गैस पार्कलाइन इट पेट्रोलियम पदार्थ एवं प्राकृतिक गैस साने के लिये पाइप लाइन परियोजन के प्रत्यार्थी पाइप लाइन गैस अधिकारी आफ इण्डिया लिमिटेड द्वारा बिलाया जाता है।

और यह भी अनुभव करती है कि उस कार्य के लिये उसके साथ संलग्न विवरणीय में निष्पत्ति भूमि पर प्रयोक्ता का अधिकार प्रदूषण करना आवश्यक है।

अतः पेट्रोलियम एवं अनिन्द्रिय पाइप लाइन (भूमि पर प्रयोक्ता का अधिकार प्रदूषण) अधिनियम, 1962 (1962 का 50) के खान्ड 3 के उपर्युक्त (1) द्वारा प्रदृष्ट अधिकारों का प्रयोग करते हुए केन्द्र सरकार एवं द्वारा उस पर प्रयोक्ता का अधिकार प्रदूषण करने की मेंशा की घोषणा करती है:

द्वारा कि उक्त भूमि में अपनी स्थित रखने वाला कोई भी व्यक्ति अधिसूचना की सारीब से 21 दिन के भीतर भूमिगत पाइप लाइन बिलान के विरोध में अपनी आपत्ति संभेद प्राविकारी गैस अधिकारी आंक इण्डिया लिमिटेड कावेरी बेसिन नीला मेलब्रम पोकिक सड़क, नागपृष्ठियम्, नारी कायितेमिल्लत जिला तमिलनाडु-6111001 दर्ज करा सकता है।

और ऐसी आपत्ति दर्ज कराते समय किसी भी व्यक्ति को विशेष रूप से गिरिष्ट करना होगा कि वह व्यक्तिगत रूप से भवयना विधि अवधायक के माध्यम से अपना मत करना आहता है।

प्रमुखस्थी

अधियक्षमंगलम जी. जी. एम. से एम. आर. एल. पर्नगुड़ी गैस पार्कलाइन रुठ

क्षेत्रफल

क्रमपद	तहसील	तालुक	ग्राम नं. और नाम	सर्वे नं.	दृश्ये	एकड़ में	विवरण
तमिलनाडु	नारीकाला तहसील	ननिलम	123 - उरेतमचोलपुरम	55/1	0. 07. 0	0. 17	
				53/3	0. 20. 0	0. 50	
				58/1	0. 08. 0	0. 20	
				53/2	0. 29. 0	0. 72	

[सं. एस.-14016/8/93-जी. पी.]

अर्द्धन्दु सेत, निदेशक

New Delhi, the 29th March, 1994

S.O. 905.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum Gas from Adiyakkamangalam GGS to M.R.L Panangudiy pipe line, should be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto.

Now, therefore, in exercise of the powers conferred by Sub Section (1) of the Section 3 of the Petro-

leum and Minerals pipe line (Acquisition of Right of user in the land) Act, 1962 intention to acquire the right of user therein :

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipe line under the land to the Competent Authority, Gas Authority of India Ltd., Cauvery Project, Nagapattinam, Pin-611001.

And every person making such an objection shall also state specifically where he wishes to be heard in person or by legal practitioner.

SCHEDULE

Adiyakkamangalam GGS to M.R.L Panangudiy Gas Pipe Line Route

State	District	Taluk	Village No. & Name	Survey Nos.	Area		Remarks
					In Hectares	In Acre Cent	
1	2	3	4	5	6	7	
Tamil Nadu	NAGAL QUAID-E- MIJ LETH	Nannilam	123-Uthamachola- putam	55/1 53/3 58/1 58/2	0-07-0 0-20-0 0-08-0 0-29-0	0-17 0-50 0-20 0-72	

[No. L-14016/8/93-GP]
ARDHENDU SEN. Director

नई दिल्ली, 29 मार्च, 1994

का. अ. 906.—जबकि केन्द्र सरकार यह अनुभव करती है कि मार्जिनिक हित में यह प्रावधानक है कि पेट्रोलियम पदार्थ एवं प्राकृतिक गैस लाने के लिये नरिमण थी. सी. एस. से एस. आर. एल. पत्तें जीस पाईट लाईन रुट। पाइप लाईन परियोजना के मन्त्रालय पाइप लाईन जैसे प्रशासनीय प्राप्ति इंजिनियरिंग द्वारा विलयन जाता है।

ओर यह भी अनुभव करती है कि उग्र कार्य के लिये उपके साथ संस्कृत विवरणीय में निर्धारित भूमि पर प्रयोक्ता का अधिकार प्रदान करना आवश्यक है।

अतः पेट्रोलियम एवं (भवित्व पाइप लाईन) भूमि पर प्रयोक्ता का अधिकार प्रदान अधिनियम, 1962 (1962 का 50) के अंग 3 के उपचाल (1) द्वारा प्रदत्त अधिकारियों का प्रयोग करते हुए ऐन्ड्र मरकार एन्ड्रुडा उप पर प्रयोक्ता का अधिकार प्रदान करने की घोषणा करती है:

अशों कि उपर भूमि में अपनी रुचि रखने वाला कोई भी व्यक्ति अधिसूचना की तारीख से 21 दिन के भीतर भूमिगत पाइप लाईन विभाने के विरोध में अपनी घोषित संस्कृत प्राधिकारी जैसे अध्यारिकी और इंजिनियरिंग इंजिनियरिंग कावेरी बेसिन नीला मेनश्वरम गोदिक माडक, नामापट्टिणम जारी कायितेमिल्लत जिला नमिलाम-611001 वर्ज कर सकता है।

और ऐसी घोषित वर्ज करते समय किसी भी व्यक्ति को विशेष रूप से निर्दिष्ट करना होगा कि वह अधिकार रूप से शक्ति विद्यि व्यवस्थाएँ के अध्ययन से अपना मत करता चाहता है।

ग्रन्ती

नरिमानम जी. मी. पम. से एम. आर. एल. पंतगुडी गैस तक पाइप लाइन स्ट

शेवकन

जनपद	तहसील	तालुक	ग्राम नं. और नाम	सर्वे नं.	हेक्टर में	एकड़ में	विवरण
तमिलनाडु	नगोखाइद-मिल्लेत	नरिमानम	120 कुत्तालम	26/5 बी	0.16.0	0.40	
				26/6	0.05.0	0.12	
				26/7	0.04.5	0.11	
				20/5 बी	0.22.0	0.55	
				126/1 बी	0.33.5	0.84	
				126/1 बी/4	0.19.0	0.47	
				128/5	0.01.0	0.02	
				117/5	0.23.5	0.59	

[स. एल-14016/8/93- जी. पी.]

अर्धेन्दु सेन, निदेशक

New Delhi, the 29th March, 1994

S.O. 906.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum Gas from Narimanam GCS to M.R.L. Panangudi jile line, should be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto.

Now, therefore, in exercise of the powers conferred by Sub-Section (1) of the Section 3 of the Petro-

leum and Minerals pipe line (Acquisition of Right of user in the land) Act, 1962 intention to acquire the right of user therein :

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipe line under the land to the Competent Authority, Gas Authority of India Ltd., Cauvery Project, Nagapattinam, Pin-611001.

And every person making such an objection shall also state specifically where he wishes to be heard in person or by legal practitioner.

SCHEUDLE

Narimanam GCS to M.R.L. Panangudi Gas Pipe Line Route

State	District	Taluk	Village No. & Name	Survey No.	Area		Remarks
					In Hectares	In Acre cent	
1	2	3	4	5	6	7	
Tamil Nadu	NAGAL. QUAID-E- MILLETH	Nannilam	120-Kuttalam	26/5B 26/6 26/7 20/5B 126/1B 126/1C/4 128/5 117/5	0-16-0 0-05-0 0-04-5 0-22-0 0-33-5 0-19-0 0-01-0 0-23-5	0-40 0-12 0-11 0-55 0-84 0-47 0-02 0-59	

[No. L-14016/8/93 GP]

ARDHENDU SEN, Director

नई विल्ली, २९ मार्च, १९९१

का. अ. 907---जश्कि केन्द्र सश्वार यह अनुभव करते हैं कि सार्वजनिक हिन्द में यह आवश्यक है कि गोद्वारियम पदार्थ एवं प्राकृतिक गेस लाने के लिये तरिमणम जा. गो. एम. से एम. आर. एवं पनडुड़ा गेस पार्टी लाइन स्टॉपार्स लाइन परियोजना के अन्तर्गत पार्श्व लाइन गेस अपारिटा और एपिटेन्स लिमिटेड द्वारा विद्याया जाना है।

और यह भी अनुभव करता है कि उस कार्य के लिये उसके माय मनस्त विवरणों में निर्धारित सूमि पर प्रयोगिता का अधिकार सहृण करना अतिव्यवस्था है।

अ. पौर्णिमियम् । वृत्त द्विनिश्च पापात् लाभत् (पूर्मि पर प्रयोगता का अधिकार प्रहण अस्तित्वम्, 1962 (1962 का 50) के व्यष्टि 3 के त्वयित्व (1) वारा प्रदत्त शक्तियों का प्रयोग करते हुए केवल सरकार एवं द्वारा उस पर प्रयोगता का अधिकार प्रहण करते ही संभा का विवरण करते हैं।

बताने कि उक्त भूमि में अपनी नवी रक्षने वाला कोई भा. व्यक्तिश्वासना की जारी से 21 विन के गोकर्ण भूमिगत पाइपलाइन बिछाने के विरोध में अपने आपमि नवम प्राधिकरण नैस अधिकारिया औफ इण्डिया लिमिटेड का बेरो बेसिन नौला मेनशड्स पोस्टिक म इक, नागपर्गुणम्, नार्गे कायिनेमिलत जिला, मुम्बलन-४४१००१ दर्ज करा सकता है।

ओर ऐसी आपत्ति वजे करने समय किमों भी व्यक्ति की विशेष रूप से निर्विष्ट करना होगा कि वह व्यक्ति गृह स्व में अपवा विश्व व्यवसायक के साथसम से अपनी मत करता चाहता है।

अनसुरी

ਮਹਿਸੁਸ਼ ਜੀ, ਸੀ. ਏਸ. ਮੇਡੀਕਲ ਮਾਈਕੋਬਿਲੋਜੀਜ਼ ਪ੍ਰੋਗਰਾਮ ਲਾਈਨ ਲਈ

三

अनुप्रव	नहमीन	तालूक	प्राप्ति नं. और नाम	मर्वे नं.	हेक्टर में	प्रकृदि में	विवरण
1	2	3	4	5	6	7	8
तमिलनाडु	नर्मदा खाड़ी-मिलात ननिलम	122-नर्मदानगर	11/1	0.00.5	0.01		
			11/2	0.06.0	0.15		
			11/3	0.10.0	0.25		
			14/1	0.13.0	0.32		
			14/2रे	0.09.5	0.24		
			14/3	0.05.5	0.16		
			14/4	0.05.5	0.16		
			15/1	0.03.5	0.09		
			15/2	0.07.5	0.18		
			15/3रे	0.14.5	0.36		
			15/3बी	0.25.0	0.12		
			17/2बी	0.04.5	0.11		
			17/2रे	0.23.5	0.59		
			18/1	0.16.0	0.40		
			18/2	0.00.5	0.01		
			21/2बी	0.05.0	0.12		
			21/5	0.06.0	0.15		
			27/17	0.02.0	0.05		
			27/1	0.09.0	0.22		
			27/2	0.06.0	0.15		
			27/3बी	0.06.0	0.15		
			27/4	0.06.0	0.15		
			26	0.09.5	0.24		
			30/1	0.10.5	0.26		
			30/2	0.07.0	0.17		
			30/4	0.05.5	0.12		
			31/4बी	0.12.0	0.30		
			31/6रे	0.02.0	0.05		
			31/6बी	0.06.0	0.15		
			32/4	0.10.0	0.25		
			32/6	0.05.0	0.12		
			32/7रे	0.01.0	0.02		

1	2	3	4	5	6	7	8
तमिन्नाडु	नगे खाइद-मिलम ननिलम	122--तरिमणम	32/7वी	0.00.5	0.01		
			41/1वी	0.01.0	0.02		
			41/3वी	0.02.5	0.06		
			41/5	0.01.0	0.02		
			41/6	0.02.0	0.05		
			41/7	0.03.0	0.08		
			41/10	0.00.5	0.01		
			41/11	0.03.5	0.09		
			41/12	0.01.0	0.02		
			41/14	0.01.5	0.04		
			41/17	0.02.0	0.05		
			41/18	0.01.0	0.02		
			41/19	0.01.0	0.02		
			41/20	0.05.5	0.14		
			40/6	0.04.0	0.10		
			40/7	0.00.5	0.01		
			40/8	0.01.5	0.04		
			40/9	0.01.0	0.02		
			40/11	0.02.0	0.05		
			40/14	0.01.0	0.02		
			40/18	0.02.5	0.06		
			40/19	0.04.0	0.10		
			40/21	0.03.0	0.08		
			152/4	0.14.0	0.35		
			149/1	0.02.0	0.05		
			149/2	0.02.0	0.05		
			149/7	0.03.0	0.08		
			149/8वी	0.03.5	0.09		
			149/8वी	0.03.0	0.08		
			149/9	0.03.0	0.08		
			148/2	0.03.0	0.08		
			148/3	0.02.0	0.05		
			148/5	0.02.0	0.05		
			148/7	0.03.0	0.08		
			148/9	0.04.5	0.11		
			124/2	0.06.5	0.16		
			124/4	0.06.5	0.16		
			125/2	0.07.0	0.17		
			125/5	0.09.5	0.24		
			125/6	0.01.0	0.02		
			126/3	0.05.0	0.12		

[म.एल.-14016/8/95-जी.पी.]
प्रवेद्ध सेत, निवेशक

New Delhi, the 29th March, 1994

S.O. 907.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum Gas from Narimanam GCS to MRL Panangudy pipe line, should be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto.

Now, therefore, in exercise of the powers conferred by Sub-Section (1) of the Section 3 of the Petro-

leum and Minerals pipe line (Acquisition of Right of user in the land) Act, 1962 intention to acquire the right of user therein :

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipe line under the land to the Competent Authority, Gas Authority of India Ltd., Cauvery Project, Nagapattinam, Pin-611001.

And every person making such an objection shall also state specifically where he wishes to be heard in person or by legal practitioner.

SCHEDULE

Narimanam GCS to M.R.L. Panangudi Gas Pipe Line Route.

1	2	3	4	5	6	7
TamilNadu	Nagai. Quaid-E- Milleth	Nannilam	122—Narimanam	149/1 149/2 149/7 147/8A 119/8B 49/9 148/2 148/3 148/5 148/7 148/9 124/2 124/4 125/2 125/5 125/6 126/3	0-02-0 0-02-0 0-03-0 0-03-5 0-03-0 0-03-0 0-03-0 0-02-0 0-02-0 0-03-0 0-04-5 0-06-5 0-06-5 0-07-0 0-09-5 0-01-0 0-05-0	0-05 0-05 0-08 0-09 0-08 0-08 0-08 0-05 0-08 0-08 0-1 0-16 0-16 0-17 0-24 0-02 0-12

[No. L-14016/8/93-G.P.]

ARDHENDU SEN, Director

नई विल्लो, 29 मार्च, 1994

का शा. 908.—पेट्रोलियम और ग्लनिज पाइप लाईन (भूमि के उपरीग के अधिकार का प्रर्जन) अधिनियम, 1962 (1962 का 50) धारा 3 की उपरांत (1) के अधीन भारत सरकार के उद्दीग भंकालव, रसायन और पेट्रोलियम विभाग को अधिसूचना का शा. 2492 तारात्र 20-11-93 द्वारा त सरकार ने उस अधिसूचना में भंकालव प्रत्युत्तीर्ण में विनियिष्ट भूमियों के प्रधिकार का पाइप लाईन विभाने के प्रयोजन के लिए अर्जित करने का अन्वय घोषित किया था।

प्रकाश अधिकारी ने उक्त अधिनियम का धारा 6 का उपरांत (1) के अधीन सरकार का रिपोर्ट दे दा है।

नव्यज्ञात्, भारत सरकार ने उक्त रिपोर्ट पर विवार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनियिष्ट भूमियों के उपरीग का अधिकार प्रर्जन करने का विनियन्त्रण किया है।

अब अब अधिनियम का धारा 6 को उपरांत (1) का प्रदत्त अधिकारों का प्रयोग करते हुए भारत सरकार एकदृ धारा घोषित करते हैं कि इस अधिसूचना गैं संलग्न अनुसूची में विनियिष्ट उक्त भूमियों में उपरीग का अधिकार पाइप लाईन विभाने के प्रयोजन के लिए एकदृ धारा अर्जित किया जाना है।

अतः इस धारा के उपरांत (4) प्रदत्त अधिकारों का प्रयोग करते हुए भारत सरकार निर्देश देते हैं कि उक्त भूमियों में अधिकार, भारत सरकार में निहित होने के बायां गैं अधारित अफ इडिया अमिटेट रजामंडी में सभी आधारों से मूक रूप में आवणा के प्रकाशन को तारीख से निहित होगा।

अनुसूची

अविवक्त भूमियों जो, सो, एवं, आर. एवं, पन्नाशे गैं पाइप लाईन रुट

क्षेत्रफल

जनपद	नहरील	नामका	ग्राम नं. और नाम	मर्केनं.	हेक्टे.	एकड़ में	विवरण
निलताड़	नागे खाईव मिलत लिलवाहा	2.5/3-- कडकुकलि	324/1	0 15. 0	0. 37		
			325	0. 17. 0	0. 42		
			319	0. 01. 0	0. 02		
			316	0. 19. 0	0. 47		
			271/2	0. 00. 5	0. 01		
			271/3	0. 16. 0	0. 40		
			270/2	0. 21. 5	0. 53		
			269/1	0. 01. 0	0. 02		
			269/2	0. 19. 5	0. 48		
			323/2	0. 19. 0	0. 47		

1. 29. 5

[सं. एल-14016/8/93-जी० प००]
अधेन्दु सेन, निवेशक

New Delhi, the 29th March, 1994

S.O. 908.—Whereas by Notification of the Government of India in the Ministry of Petroleum S.O. 2492 dated 20-11-93, under Sub-Section (I) of Section of the Petroleum and Minerals Pipe Lines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for purpose of laying pipe line.

And further whereas the Central Government has Sub-Section (I) of Section 6 of the said Act, submitted report to the Government.

And further whereas the Central Government has, after considering the said report, decided to acquire

the right of user in the lands specified in the schedule appended to this Notification.

Now, therefore, in exercise of the power conferred by Sub-Section (I) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the Schedule appended to this notification hereby acquired for laying the Pipe Line

And further in exercise of power conferred by sub-Section (4) of the Section the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vest on this date of the publication of this declaration the Gas Authority of India Limited free from encumbrances.

SCHEDULE
Adiyakkamangalam CGS to MRL Panangudi Gas Pipe Line Project

State	District	Taluk	Village No. & Name	Survey Nos.	Area		Remarks
					In Hectares	In Acrecent	
1	2	3	4	5	6	7	
Tamil Nadu	NAGAI	Thiruvarur	25/3 - Vadakkuvelli	324/1	0-15-0	0-37	
	QUAID-E-			325	0-17-0	0-42	
	MILLETH			319	0-01-0	0-02	
				316	0-19-0	0-47	
				271/2	0-00-5	0-01	
				271/3	0-16-0	0-40	
				270/2	0-21-5	0-53	
				269/1	0-01-0	0-02	
				269/2	0-19-5	0-48	
				323/2	0-19-0	0-47	
					1-29-5		

[No. L-14016/8/93-G.P.]
ARDHENDUSEN, Director

नई दिल्ली, 29 मार्च, 1994

का.आ. 909-पेट्रोलियम और खनिज पाष्ठप लाईन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) धारा 3 की उपधारा (1) के अधीन भारत सरकार के उद्योग मंत्रालय, रसायन और पेट्रो-रसायन विभाग की अधिसूचना का.आ. 2491 तारीख 20-11-93 द्वारा भारत सरकार ने उस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों के अधिकार को पाष्ठप लाईन बिलाने के प्रयोजन के लिए अर्जित करने का अपना आशय घोषित किया था।

अतः सक्तम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

तत्पश्चात्, भारत सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अतः अब अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए भारत सरकार एतद्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाईन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

अतः इस धारा की उपधारा (4) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए भारत सरकार निर्देश देती है कि उक्त भूमियों में अधिकार, भारत सरकार में निहित होने के बजाय रैस अर्थार्स्टी ऑफ इंडिया लिमिटेड, राजामुद्री में सभी बाधाओं से मुक्त रूप में धोपणा के प्रकाशन की तारीख से निहित होगा।

अनुसूची

आदेयकमंगलम जी.जी.एस. से एम.आर.एल. पनगुडो गैस पाइपलाइन रूट

जनपद	तहसील	तालुक	ग्राम नं. 6 नाम	धैरफल			विवरण
				सर्वे नं.	हक्के.	एकड़ में	
1	2	3	4	5	6	7	
तमिलनाडु	नागे खाईये मिल्सत	तिळवारूर	25 अगरकड़कनूर	376/2	0.19.5	0.48	
				310	0.01.5	0.04	
				375/1	0.06.5	0.16	
				375/2	0.03.5	0.09	
				374	0.06.0	0.15	
				383	0.01.0	0.02	
				295	0.14.0	0.35	
				294/1	0.14.0	0.35	
				293/1	0.10.5	0.26	
				415/3ए	0.13.5	0.33	
				415/3बी	0.12.0	0.30	
				255/2	0.10.0	0.25	
				416/2	0.05.5	0.14	
				416/3	0.06.5	0.16	
				416/4	0.04.0	0.10	
				417/1	0.00.5	0.01	
				418/6	0.00.5	0.01	
				418/8	0.14.5	0.36	
				244/4ए	0.11.0	0.27	
				244/4बी	0.03.0	0.08	
				244/5	0.05.5	0.14	
				426/2	0.16.0	0.40	
				243/1ए	0.08.0	0.20	
					1.87.0		

[मं. एल-14016/8/93-जी.पी.]

अधैन्द सेन, निदेशक

New Delhi, the 29th March, 1994

S.O. 909.—Whereas by Notification of the Government of India in the Ministry of Petroleum S.O. 2491 dated 20-11-93, under Sub-Section (1) of Section 3 of the Petroleum and Minerals Pipe Lines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for purpose of laying pipe line.

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government.

And further whereas the Central Government has, after considering the said report, decided to acquire

the right of user in the lands specified in the schedule appended to this Notification.

Now, therefore, in exercise of the power conferred by Sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the Schedule appended to this notification hereby acquired for laying the Pipe Line.

And further in exercise of power conferred by sub-Section (4) of the Section the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vest on this date of the publication of this declaration the Gas Authority of India Limited free from encumbrances.

SCHEDULE
ADIYAKKAMANGALAM GGS TO MRL PANANGUDI GAS PIPE LINE PROJECT

State	District	Taluk	Village No. & Name	Survey Nos.	Area		Remarks
					In Hectares	In Acre cent	
Tamil Nadu	Nagai, Quaid-E-Milleth	Thiruvarur	25- Agarakadambanur	376/2	0.19.5	0.48	
				310	0.01.5	0.04	
				375/1	0.06.5	0.16	
				375/2	0.03.5	0.09	
				374	0.06.0	0.15	
				383	0.01.0	0.02	
				295	0.14.0	0.35	
				294/1	0.14.0	0.35	
				293/1	0.10.5	0.26	
				415/3A	0.13.5	0.33	
				415/3B	0.12.0	0.30	
				255/2	0.10.0	0.25	
				416/2	0.05.5	0.14	
				416/3	0.06.5	0.16	
				416/4	0.04.0	0.10	
				417/1	0.00.5	0.01	
				418/6	0.00.5	0.01	
				418/8	0.14.5	0.36	
				244/4A	0.11.0	0.27	
				244/4B	0.03.0	0.08	
				244/5	0.05.0	0.14	
				426/2	0.16.0	0.40	
				243/1A	0.08.0	0.20	
						1.87.0	

[L-14016/8/93-GP]
ARDHENDU SEN, Director

नई दिल्ली, 29 मार्च, 1994

का.आ. 910 : पेट्रोलियम और ग्वनिज पाइप लाईन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के उद्योग संवालय, रसायन और पेट्रोरसायन विभाग की अधिसूचना का.आ. 2490 तारीख 20-11-93 द्वारा भारत सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के अधिकार को पाइप लाईन बिछाने के प्रयोजन के लिए श्रिंगत करने का अपना आशय घोषित किया था।

अतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

सत्पश्चात्, भारत सरकार ने उक्त रिपोर्ट पर विचार करते के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग का अधिकार अर्जित करते का विनिश्चय किया है।

अतः अब अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए भारत सरकार एन्टद्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन बिछाने के प्रयोजन के लिए एन्टद्वारा अर्जित किया जाता है।

अतः इस धारा की उपधारा (4) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए भारत सरकार निर्देश देती है कि उक्त भूमियों में अधिकार, भारत सरकार में निहित होने के बजाय गैस अथाँरिटी ऑफ इंडिया लिमिटेड, राजामुंद्री में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की तारीख से निहित होगा।

अनुसूची

आदेयकमंगलम जी.जी.एम. से पम.प्रार.एल. पनंगुडी गैस पाइपलेन रुट

जनपद	तहसील	तालुक	ग्राम नं. व नाम	सर्वे नं.	क्षेत्रफल	हेक्टे.	एकड़ में	विवरण
समिलनाडु	नारे खाई	तिल्वारूर	26- राखांहतेरि	149/1	0. 01. 0	0. 02		
	मिल्लत			149/2ए	0. 02. 0	0. 05		
				149/2बी	0. 02. 0	0. 05		
				149/3	0. 02. 5	0. 06		
				149/4	0. 02. 5	0. 06		
				149/5	0. 03. 0	0. 08		
				149/8	0. 01. 0	0. 02		
				149/11	0. 06. 5	0. 16		
				149/12	0. 01. 0	0. 02		
				149/13	0. 00. 5	0. 01		
				147/1	0. 10. 5	0. 26		
				147/2	0. 04. 0	0. 10		
				147/3	0. 06. 5	0. 16		
				146/1	0. 06. 5	0. 16		
				146/2	0. 06. 5	0. 16		
				146/4	0. 03. 0	0. 08		
				195/2	0. 00. 5	0. 01		
				195/3	0. 06. 5	0. 16		
				195/4ए	0. 05. 0	0. 12		
				196/2	0. 13. 5	0. 33		
				197/1	0. 08. 5	0. 21		
				197/2ए	0. 01. 0	0. 02		
				197/3	0. 07. 0	0. 17		
				198/2	0. 06. 5	0. 16		
				198/3	0. 07. 5	0. 18		
				198/6	0. 13. 0	0. 32		
				68/1	0. 13. 5	0. 33		
				68/2	0. 04. 5	0. 11		

1. 46. 0

[एल - 14016/8/93 - जीपी]
अर्धेन्दु सेन, निदेशक

New Delhi, the 29th March, 1994

S.O. 910.—Whereas by Notification of the Government of India in the Ministry of Petroleum S.O. 2490 dated 20-11-93, under Sub-Section (1) of Section 3 of the Petroleum and Minerals Pipe Lines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for purpose of laying pipe line.

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government.

And further whereas the Central Government has, after considering the said report, decided to acquire

the right of user in the lands specified in the Schedule appended to this Notification.

Now, therefore, in exercise of the power conferred by Sub-Section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the Schedule appended to this notification hereby acquired for laying the Pipe Line.

And further in exercise of power conferred by sub-Section (4) of the Section the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vest on this date of the publication of this declaration the Gas Authority of India Limited free from encumbrances.

SCHEDULE

ADIYAKKAMANGALAM GGS 10 MRL. PANANGUDI GAS PIPE LINE PROJECT

State	District	Taluk	Village No. & Name	Survey Nos.	Area		Remarks
					In Hectares	In Acre cent	
Tamil Nadu	Nagai Quaid-F-Millett	Thiruvan	16-Travancherry	149/1	0.01.0	0.02	
				149/2A	0.02.0	0.05	
				149/2B	0.02.0	0.05	
				149/3	0.02.5	0.06	
				149/4	0.02.5	0.06	
				149/5	0.03.0	0.08	
				149/8	0.01.0	0.02	
				149/11	0.06.5	0.16	
				149/12	0.01.0	0.02	
				149/13	0.00.5	0.01	
				147/1	0.10.5	0.26	
				147/2	0.04.0	0.10	
				147/3	0.06.5	0.16	
				146/1	0.06.5	0.16	
				146/2	0.06.5	0.16	
				146/4	0.03.0	0.08	
				195/2	0.00.5	0.01	
				195/3	0.04.5	0.16	
				195/4A	0.05.0	0.12	
				196/2	0.13.5	0.33	
				197/1	0.03.5	0.21	
				197/2A	0.01.0	0.02	
				197/3	0.07.0	0.17	
				198/2	0.06.5	0.16	
				198/3	0.07.5	0.18	
				198/6	0.13.0	0.32	
				68/1	0.13.5	0.33	
				68/2	0.04.5	0.11	
					1.46.0		

[L-14016/8/93]

Ardhendu Sen, Director

नई दिल्ली, 29 मार्च, 1994

का.आ. 911—गैट्रोलियम और खनिज पाइप लाइन (भूमि के उपयोग के अधिकार का अर्जन) प्रधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के उद्योग मंत्रालय, रसायन और पेट्रोरसायन विभाग की अधिसूचना का आ. 2489 तारीख 20-11-93 द्वारा भारत सरकार ने उस अधिसूचना से संबंध अनुसूची में विनियिष्ट भूमियों के अधिकार को पाइप लाइन विद्युत के प्रयोगन के लिए अंजित करने का प्रपत्ता आशय घोषित किया था।

ग्रन्त: संशेष प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दें दी है।

तदनुसारत्, भारत सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

ग्रन्त: अब अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए भारत सरकार एतद्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन बिछाने के प्रयोजन के लिए एन्टद्वारा अर्जित किया जाता है।

ग्रन्त: इस धारा की उपधारा (4) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए भारत सरकार निर्देश देती है कि उक्त भूमियों में अधिकार, भारत सरकार में निहित होने के बजाय गैम अथारिटी ऑफ इंडिया लिमिटेड, राजामुंड्री में सभी बाबाओं से मुक्त रूप में घोषणा के प्रकाशन की सारी रूप से निहित होगा।

अनुसूची

अधियक्कमंगलम जी जी एस से एम.आर.एल पनंगुडी गैस पाइपलाइन रूट

जनपद	तहसील	तालुक	ग्राम व नाम	सर्वे सं.	धेनफल			विवरण
					हेक्टर में	एकड़ में	6	
1	2	3	4	5	6	7	8	
नामनगर	नारौ खार्डे मिलन	सिर्वारूर	27. कुरुमनांकुटि	178/1	0.16.0	0.40		
				177/2बी	0.02.0	0.05		
				177/4	0.08.0	0.20		
				177/6	0.05.0	0.12		
				177/7ए	0.02.0	0.05		
				177/7बी	0.00.5	0.01		
				175/8	0.02.0	0.05		
				159/ए-2	0.01.0	0.02		
				159/ए-10	0.04.0	0.10		
				159/ए-11	0.04.5	0.11		
				148/2ए	0.03.0	0.08		
				148/2बी	0.12.5	0.31		
				148/4	0.13.0	0.32		
				147/1डी	0.13.0	0.32		
				147/1डी-1	0.00.5	0.01		
				144/4बी	0.02.0	0.05		
				145/2ए	0.05.0	0.12		
				145/2बी	0.06.0	0.15		
				145/3	0.06.5	0.16		
				145/6	0.12.0	0.30		
				107/3सी	0.00.5	0.01		
				107/3डी	0.01.0	0.02		
				107/5ए	0.01.0	0.02		
				107/5बी	0.06.0	0.15		
				105/20	0.01.5	0.04		
				101/1	0.09.5	0.24		
				102/1	0.26.0	0.64		

1	2	3	4	5	6	7	8
				103/3र्री	0.00.5	0.01	
				88/1	0.01.0	0.02	
				87/1	0.20.5	0.51	
				87/3	0.06.0	0.15	
				87/6	0.04.5	0.11	
				86/2	0.14.5	0.36	
					2.11.0		

[एल-14016/8/93-र्जिपा]

अर्धेन्दु सेन, निदेशक

New Delhi, the 29th March, 1994

S.O. 911.—Whereas by Notification of the Government of India in the Ministry of Petroleum S.O. 2489 dated 20-11-93, under Sub-Section (I) of Section 3 of the Petroleum and Minerals Pipe Lines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for purpose of laying pipe line.

And whereas the Competent Authority has under Sub-Section (I) of Section 6 of the said Act, submitted report to the Government.

And further whereas the Central Government has, after considering the said report, decided to acquire

the right of user in the lands specified in the schedule appended to this Notification.

Now, therefore, in exercise of the power conferred by Sub-Section (I) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the Schedule appended to this notification hereby acquired for laying the Pipe Line.

And further in exercise of power conferred by sub-Section (4) of the Section the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vest on this date of the publication of this declaration the Gas Authority of India Limited free from encumbrances.

**SCHEDULE
ADIVAKKAMANGALAM GGS TO MRL PANANGUDI GAS PIPELINE PROJECT**

State	District	Taluk	Village No. & Name	Survey Nos.	Area		Remarks
					In Hectares	In Acre cent	
1	2	3	4	5	6	7	8
Tamil Nadu	Nagai Quaid-E Milleth	Thiruvarur	27-Kurumanangudi	178/1	0.16.0	0.40	
				177/2B	0.02.0	0.05	
				177/4	0.08.0	0.20	
				177/6	0.05.0	0.12	
				177/7A	0.02.0	0.05	
				177/7B	0.00.5	0.01	
				175/8	0.02.0	0.05	
				159/A-2	0.01.0	0.02	
				159/A-10	0.04.0	0.10	
				159/A-11	0.04.5	0.11	
				148/2A	0.03.0	0.08	
				148/2B	0.12.5	0.31	
				148/4	0.13.0	0.32	
				147/D	0.13.0	0.32	
				147/1E-1	0.00.5	0.01	
				144/4B	0.02.0	0.05	
				145/2A	0.05.0	0.12	
				145/2B	0.06.0	0.15	
				145/3	0.06.5	0.16	

1	2	3	4	5	6	7	8
				145/6	0.12.0	0.30	
				107/3C	0.00.5	0.01	
				107/3D	0.01.0	0.02	
				107/5A	0.01.0	0.02	
				107/5B	0.06.0	0.15	
				105/2	0.01.5	0.04	
				101/1	0.09.5	0.24	
				102/1	0.26.0	0.64	
				103/3B	0.00.5	0.01	
				88/1	0.01.0	0.02	
				87/1	0.00.5	0.51	
				87/3	0.06.0	0.15	
				87/6	0.04.5	0.11	
				86/2	0.14.5	0.36	
					2.11.0		

[L-14016/8/93-GP]

ARDHENDU SEN, Director

नई दिल्ली, 29 मार्च, 1994

का.आ. 912—पेट्रोलियम और खनिज पाइप लाइन (भूमि के उपयोग के अधिकार का भर्जन) अधिनियम 1962 (1962 का 50) धारा 3 की उपधारा (1) के अधीन भारत सरकार के उद्योग मंत्रालय, रसायन और पट्टोरसायन विभाग की अधिसूचना का.आ. 2488 तारीख 20-11-93 द्वारा भारत सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के अधिकार को पाइप लाइन विछाने के प्रयोजन के लिए अर्जित करने का अपना आशय घोषित किया था।

अतः सक्षम प्रविकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

तत्पक्षात्, भारत सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग का अधिकार अर्जित करने का विनिष्चय किया है।

अतः अब अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए भारत सरकार एतद्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन विछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

अतः इस धारा की उपधारा (4) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए भारत सरकार निर्देश देती है कि उक्त भूमियों में अधिकार, भारत सरकार में निहित होने के बजाय गैस अर्थात् आंफ इंडिया लिमिटेड, राजामुंद्री में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की तारीख से निहित होगा।

अनुसूची
अदियन्कमयगलम जी.जी.एस से एम.आर.एल. पनंगुडी गैस पाइपलाइन स्ट

जनपद	तहसील	तालुका	ग्राम नं. और नाम	सर्वे नं.	भौमाफल		विवरण
					हेक्टेर में	एकड में	
1	2	3	4	5	6	7	8
तमिलनाडु	नागै खाईद मिल्लत	तिरुवारूर	11. कल्लालिकुटि	178/9	0.00.5	0.01	
				178/10	0.00.5	0.01	
				178/11	0.05.0	0.12	
				178/17	0.03.0	0.08	
				178/18	0.03.0	0.02	

1	2	3	4	5	6	7	8
तमिलनाडू	नार्ग केश्वर मिल्लत	तरुणासर	11. कलीलिकुटि	178/19	0 01 0	0.02	
				178/20	0 00 5	0.01	
				174/6	0 08 0	0.20	
				173/12	0 06 5	0.16	
				173/18	0 04 0	0.10	
				172/2	0 00 5	0.01	
				172/4	0 02 5	0.06	
				172/8	0 06 0	0.15	
				172/9	0 01 0	0.02	
				168/1	0.00.5	0.01	
				168/2	0.03.0	0.08	
				168/3	0.02.0	0.05	
				164/1ए-1	0.09.0	0.22	
				164/1ची-1	0.08.5	0.21	
				164/3	0.06.0	0.15	
				164/4	0.00.5	0.01	
				162/5ची	0.03.5	0.09	
				162/7	0.04.0	0.10	
				209/7	0 11 0	0.27	
				209/8प	0.01.0	0.02	
				209/9	0.02.0	0.05	
				211/3	0.00.5	0.01	
				211/4	0.08.0	0.20	
				211/5	0.00.5	0.01	
				183/1ए	0.05.0	0.05	
				183/1ची	0.09.5	0.24	
				183/5	0.02.5	0.06	
				183/6	0.06.5	0.16	
				192/1	0.10.0	0.25	
				192/2	0.00.5	0.01	
				192/5ए	0.02.0	0.05	
				195/5ची	0.01.0	0.02	
				192/6	0.01.5	0.04	
				192/8	0.04.5	0.11	
				193/1ए	0.03.5	0.09	
				193/2	0.08.0	0.20	
				195/1ची	0.00.5	0.01	
				195/1ची	0.05.5	0.14	
				195/4	0.05.5	0.14	
				195/5ए	0.00.5	0.01	
				195/5ची	0.06.5	0.16	
				197/4	0.01.0	0.02	
				197/6	0.00.5	0.01	
				197/7	0.07.0	0.17	

1	2	3	4	5	6	7	8
तमिलनाडु	नागैकैइदै मिलेत	तिरुवारूर	11-कल्लिकुटि	210/2	0.01.0	0.02	
				210/4	0.04.5	0.11	
				210/5	0.01.0	0.02	
				210/6ए	0.08.5	0.21	
				210/6बी	0.02.5	0.06	
				201/6सी	0.00.5	0.01	
							1.98.5

[एस 14016/8/93-जीर्णा]
अध्यन्दु सेन, निदेशक

New Delhi, the 29th March, 1994

S.O. 912.—Whereas by Notification of the Government of India in the Ministry of Petroleum S.O. 2488 dated 20-11-93, under Sub-section (I) of Section of the Petroleum and Minerals Pipe Lines [Acquisition of Right of User in Land Act, 1962 (50 of 1962)], the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for purpose of laying pipe line.

And whereas the Competent Authority has under Sub-section (I) of Section 6 of the said Act, submitted report to the Government.

And further whereas the Central Government has, after considering the said report, decided to acquire

the right of user in the lands specified in the schedule appended to this Notification.

Now, therefore, in exercise of the power conferred by Sub-section (I) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the Schedule appended to this notification hereby acquired for laying the Pipe Line.

And further in exercise of power conferred by sub-Section (4) of the Section the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vest on this date of the publication of this declaration the Gas Authority of India Limited free from encumbrances.

**SCHEDULE
ADIYAKKAMANGALAM GGS TO MRL PANANGUDI GAS PIPE LINE PROJECT**

State	District	Taluk	Village No. & Name	Survey Nos.	Area		Remarks
					In Hectares	In Acrecent	
1	2	3	4	5	6	7	8
Tamil Nadu	Nagai Quaid-E-Milleth	Thiruvarur	11-Kallikudy	178/9	0.00.5	0.01	
				178/10	0.00.5	0.01	
				178/11	0.05.0	0.12	
				178/17	0.03.0	0.08	
				178/18	0.03.0	0.08	
				178/19	0.01.0	0.02	
				178/20	0.00.5	0.01	
				174/6	0.08.0	0.20	
				173 12	0.06.5	0.16	
				173/18	0.04.0	0.10	
				172/2	0.00.5	0.01	
				172/4	0.02.5	0.06	
				172/8	0.06.0	0.15	
				172/9	0.01.0	0.02	
				168/1	0.00.5	0.01	
				168/2	0.03.0	0.08	
				168/3	0.02.0	0.05	
				165/1A-1	0.09.0	0.22	
				164/1B-1	0.08.5	0.21	

1	2	3	4	5	6	7	8
Tamil Nadu	Nagai, Quaid-E-Milleth	Thiruvarur	11-Kallikudi	164/3	0.06.0	0.15	
				164/4	0.00.5	0.01	
				162/5B	0.03.5	0.09	
				162/7	0.04.0	0.10	
				209/7	0.11.0	0.27	
				209/8A	0.01.0	0.02	
				209/9	0.02.0	0.05	
				211/3	0.00.5	0.01	
				211/4	0.08.0	0.20	
				211/5	0.00.5	0.01	
				183/1A	0.02.0	0.05	
				183/1B	0.09.5	0.24	
				183/5	0.02.5	0.06	
				183/6	0.06.5	0.16	
				192/1	0.10.0	0.25	
				192/2	0.00.5	0.01	
				192/5A	0.02.0	0.05	
				192/5B	0.01.0	0.02	
				192/6	0.01.5	0.04	
				192/8	0.04.5	0.11	
				193/1A	0.03.5	0.09	
				193/2	0.08.0	0.20	
				195/1C	0.05.5	0.14	
				195/4	0.05.5	0.14	
				195/5A	0.00.5	0.01	
				195/5B	0.06.5	0.16	
				197/4	0.01.0	0.02	
				197/6	0.00.5	0.01	
				197/7	0.07.0	0.17	
				210/2	0.01.0	0.02	
				210/4	0.04.5	0.11	
				210/5	0.01.0	0.02	
				210/6A	0.08.5	0.21	
				210/6B	0.02.5	0.06	
				210/6C	0.000.5	0.01	
						1.98.5	

[No. L-14016/8/93-GP]
ARDHENDU SEN, Director

दिल्ली, 29 मार्च, 1994

क्र. नं. 913.—एंटोलियम और अनिंग पाइप लाइन (मूमि के उपयोग के अधिकार का अंतिम) प्रधिनियम, 1962 (1962 का 301 आदा 3 की तरफाई (1) के अधीनभूत भारत सरकार के उपयोग मंत्रालय, रसायन और एंटोलियम विभाग की प्रधिकूबता का, आ. 2487 तारीख 20-11-93 द्वारा भारत सरकार ने उस प्रधिकूबता से संलग्न अनुमूल्य में विनिर्दिष्ट भूमियों के अधिकार को पाइप लाइन विभाने के प्रयोगन के लिए प्रधिनियम करने का आवश्यकाता प्रतिनियन किया था।

एता गम्भीर प्रधिकारों ने उक्त प्रधिनियम को आदा 6 की डाक्टारा (1) के अधीन सरकार को ग्रिपोर्ट दे दी है।

तत्पश्चात्, भारत सरकार ने उक्त ग्रिपोर्ट पर विकार करने के पश्चात् इस प्रधिनियम से संलग्न अनुमूल्य में विनिर्दिष्ट भूमियों के उपयोग का अधिकार अंतिम रूप से अनुमूल्य के अधिकारों का विनियन्नय किया है।

अतः इस प्रधिनियम की आदा 6 की डाक्टारा (1) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए भारत सरकार एतद्वारा अंतिम करने हैं विहीन अधिकूबता से संलग्न अनुमूल्यों में उपयोग का अधिकार पाइप लाइन विभाने के प्रयोगन के लिए एतद्वारा अंतिम किया जाता है।

अतः इस आदा की उपर्याता (4) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए भारत सरकार निर्देश देती है कि उक्त भूमियों में अधिकार, भारत सरकार में निश्चित होने के बायां वैसे अवैधिकी और इनिया लिमिटेड, राजामुद्री में मध्ये भाग्यार्थों से भूमि का रूप में घोषणा के प्रकाश तो नहीं में तिक्कित होगा।

अनुसूची

प्राइवेटमध्याय

जो जीएस थ दसआराम्प पनगड़ी गेंग पाइप लाइन स्ट

जनपद	नहरें ल	तालुक	ग्रामन ल नाम	सुधैं नं.	धेतरकल	दिवरण
नमिलनाम	सार्वज्ञाविभिन्नत तिर्यकाल	3.5 समर्पणलम			हेतु	एकड़ में
				223	0.17.5	0.43
				225/27	0.00.5	0.01
				225/2वी	0.03.5	0.09
				226/1	0.04.0	0.10
				226/2	0.01.0	0.02
				226/3	0.10.0	0.25
				226/4	0.09.0	0.22
				230/3	0.09.5	0.24
				25/3	0.00.5	0.01
				25/4	0.00.5	0.01
				25/5	0.12.5	0.31
				27/1	0.00.5	0.01
				24/3	0.005	0.01
				24/IIवी	0.01.5	0.04
				24/IIवी	0.05.0	0.12
				24/12	0.03.5	0.09
				23/2	0.08.0	0.20
				23/1	0.08.5	0.21
				8/11	0.02.0	0.05
				8/13	0.0.5	0.01
				8/15	0.02.0	0.05
					1.00.5	

[म. एल-14016/8/93-नीपी]

अध्येता सेन, निदेशक

New Delhi, the 29th March, 1995

S.O. 913.—Whereas by Notification of the Government of India in the Ministry of Petroleum S.O. 2487 dated 20-11-93, under Sub-Section (I) of Section of the Petroleum and Minerals Pipe Lines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for purpose of laying pipe line.

And whereas the Competent Authority has under Sub-Section (I) of Section 6 of the said Act, submitted report to the Government.

And further whereas the Central Government has, after considering the said report, decided to acquire

the right of user in the lands specified in the schedule appended to this Notification.

Now, therefore, in exercise of the power conferred by Sub-Section (I) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the Schedule appended to this notification hereby acquired for laying the Pipe Line

And further in exercise of power conferred by sub-Section (4) of the Section the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vest on this date of the publication of this declaration the Gas Authority of India Limited free from encumbrances.

SCHEDULE

Adiyakkamangalam GGS to MRL, Panangudi Gas Pipe Line Project

State	District	Taluk	Village No. & Name	Survey Nos.	Area		Remarks
					In Hectares	In Acre Cent	
Tamil Nadu	Nagai, Quaid-E-Milleth	Thiruvarur	35-Semangalam	223	0.17.5	0.43	
				225/2A	0.00.5	0.01	
				225/2B	0.03.5	0.09	
				226/1	0.04.0	0.10	
				226/2	0.01.0	0.02	
				226/3	0.10.0	0.25	
				226/4	0.09.0	0.22	
				230/3	0.09.5	0.24	
				25/3	0.00.5	0.01	
				25/4	0.00.5	0.01	
				25/5	0.12.5	0.31	
				27/1	0.00.5	0.01	
				24/3	0.00.5	0.01	
				24/11A	0.01.5	0.04	
				24/11B	0.05.0	0.12	
				24/12	0.03.5	0.09	
				23/2	0.08.0	0.20	
				23/1	0.08.5	0.21	
				8/11	0.02.0	0.05	
				8/13	0.00.5	0.01	
				8/15	0.02.0	0.05	
					1.00.5		

[L-14016/8/93-GP]

ARDHENDU SEN, Director

नई विल्सनी, 29 मार्च, 1994

का धा. 914--पेट्रोलियम और खनिंग पाइप लाईन (भूमि के उपयोग के प्रधिकार का प्रज्ञन) प्रधिनियम, 1962 (1962 का 50) भाग 3 को उपाधार (1) के प्रधान भारत सरकार के उपयोग संबंधीय, रसायन और पेट्रोलसायन विभाग की प्रधिसूचना का धा. 2486 तारीख 20-11-93 द्वारा भारत सरकार ने उस प्रधिसूचना से मंलग्न अनुसूची में विनिष्ट भूमियों के प्रधिकार को पाइप लाईन विभाने के प्रयोग के लिए प्रमित करने का प्रपत्ता आशय घोषित किया था।

प्रति मध्यम प्रधिकारी ने उक्त प्रधिनियम का धारा 6 की उपाधार (1) प्रधान सरकार को रिपोर्ट दे दी है।

मध्यम प्रधिकारी ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस प्रधिसूचना से मंलग्न अनुसूची में विनिष्ट भूमियों के उपयोग का प्रधिकार प्रमित करने का विनिश्चय किया है।

अब यह प्रधिनियम का धारा 6 की उपाधार (1) प्रधान प्रदत्त प्रधिकारों का प्रयोग करते हुए भारत सरकार एवं द्वारा आधिकारिक रूप से मंलग्न अनुसूची में विनिष्ट उक्त भूमियों में उपयोग का प्रधिकार पाइप लाईन विभाने के प्रयोग के लिए प्रति द्वारा प्रतिक्रिया किया जाता है।

अब इस धारा का उपाधार (4) द्वारा प्रदत्त प्रधिकारों का प्रयोग करते हुए भारत सरकार निर्देश देता है कि उक्त भूमियों से प्रधिकार, भारत सरकार में निहित होने के बायां गंगा अध्यानिटी ऑफ़ इंडिया लिमिटेड, नाश्तमुद्री में गंगा बाधाओं से मुक्त करने में विवरण के प्रकाशन का कारबाह से निवृत होगा।

अनुसूची।

प्राइवेट कम्पनी द्वारा जल से एवं प्रारंभिक पतांडो गैस पाइपलाइन रुट

जनवरी	पेट्रोल	तालुक	प्राप्ति नं. छ नाम	सर्वेन.	शेवफल	विवरण
तमिलनाडु	नाम व्यापारि मिलित निष्पत्ति	10. अधियक्षमंगलम		लेखा।	कड़ में	
			243/1	0. 04. 0	0. 10	
			243/2 ^{प्र}	0. 10. 0	0. 25	
			243/2बी	0. 04. 0	0. 10	
			243/32	0. 00. 5	0. 01	
			2/1	0. 02. 5	0. 06	
			2/3	0. 06. 5	0. 16	
			1	0. 22. 5	0. 55	
			292/2	0. 03. 5	0. 14	
			292/4	0. 05. 0	0. 12	
			292/6	0. 05. 0	0. 12	
			292/8	0. 03. 5	0. 09	
			290/2	0. 03. 0	0. 08	
			288/1	0. 04. 0	0. 10	
			288/2	0. 02. 0	0. 05	
			288/5	0. 02. 0	0. 05	
			287/1	0. 06. 0	0. 15	
			281/1	0. 03. 0	0. 08	
			281/3प्र-1	0. 06. 0	0. 15	
			271/2	0. 25. 0	0. 62	
			267/1	0. 01. 0	0. 02	
			267/2प्र	0. 02. 0	0. 05	
			264/8	0. 01. 0	0. 02	
			264/9	0. 05. 0	0. 12	
			264/10	0. 02. 0	0. 05	
			265/1	0. 09. 0	0. 22	
			252/3बी	0. 05. 5	0. 14	
			252/4प्र-1	0. 06. 0	0. 15	
			252/4प्र-2	0. 06. 0	0. 15	
			252/4बी	0. 00. 5	0. 01	
			252/5प्र	0. 00. 5	0. 01	
			242/4	0. 00. 5	0. 01	
				1. 59. 5		

[एल 14016/8/93-जीपी]

अधिकारी सेवा, निवेशक

New Delhi, the 29th March, 1994

S.O. 914.—Whereas by Notification of the Government of India in the Ministry of Petroleum S.O. 2486 dated 20-11-93, under Sub-Section (1) of Section of the Petroleum and Minerals Pipe Lines (Acquisition of Right of User in Land Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for purpose of laying pipe line.

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government.

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this Notification.

Now, therefore, in exercise of the power conferred by Sub-Section (1) of the Section 6 of the said Act,

the Central Government hereby declares that the right of user in the said lands specified in the Schedule appended to this notification hereby acquired for laying the Pipe Line.

And further in exercise of power conferred by sub-Section (4) of the Section the Central Government

directs that the right of user in the said lands shall instead of vesting in Central Government vest on this date of the publication of this declaration the Gas Authority of India Limited free from encumbrances.

SCHEDULE
Adiyakkamangalam GGS to MRL, Panangudi Gas Pipe Line Project

State	District	Taluk	Village No. & Name	Survey Nos.	Area		Remarks
					In Hectares	In Acre Cent	
Tamil Nadu	Nagai, Quaid-E-Millett	Thiruvarur	10-Adiyakkamangalam	243/1	0.04.0	0.10	
				243/2A	0.10.0	0.25	
				243/3B	0.04.0	0.10	
				243/3A	0.00.5	0.01	
				2/1	0.02.5	0.06	
				2/3	0.06.5	0.16	
				1	0.22.5	0.55	
				292/2	0.05.5	0.14	
				292/4	0.05.0	0.12	
				292/6	0.05.0	0.12	
				292/8	0.03.5	0.09	
				290/2	0.03.0	0.08	
				288/1	0.04.0	0.10	
				288/2	0.02.0	0.05	
				288/5	0.02.0	0.05	
				287/1	0.06.0	0.15	
				281/1	0.03.0	0.08	
				281/3A-1	0.06.0	0.15	
				271/2	0.25.0	0.62	
				267/1	0.01.0	0.02	
				267/2A	0.02.0	0.05	
				264/8	0.01.0	0.02	
				264/9	0.05.0	0.12	
				264/10	0.02.0	0.05	
				265/1	0.09.0	0.22	
				252/3B	0.05.5	0.14	
				252/4A-1	0.06.0	0.15	
				252/4A-2	0.06.0	0.15	
				252/4B	0.00.5	0.01	
				252/5A	0.00.5	0.01	
				242/4	0.00.5	0.01	
						1.59.5	

[L-14016/8/93-GP]
ARDHENDU SEN, Director

नई दिल्ली, 29 मार्च, 1994

का. आ. 915.—ऐंट्रोलियम और खनिज पाइप लाईन (भूमि के उपयोग के अधिकार का प्राप्ति) प्रधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के प्रधीन भारत सरकार के उच्चोग मंत्रालय, रसायन और पेट्रोरसायन विभाग की अधिसूचना का. आ. 2485 तारीख 20-11-93 द्वारा भारत सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिविष्ट भूमियों के अधिकार को पाइप लाईन बिछाने के प्रयोजन के लिए अर्जित करने का अपना अधिकार प्राप्ति किया था।

अतः सक्रम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के प्रधीन सरकार को रिपोर्ट दे दी है।

नत्पश्चात्, भारत सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिविष्ट भूमियों के उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

प्रत: यह अधिनियम की घास 6 की उपधारा (1) द्वारा प्रवत्त अधिकारों का प्रयोग करते हुए भारत सरकार एतद्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिविष्ट उक्त भूमियों में उपयोग का प्रतिकार पाष्प लाईन बिकाने के प्रयोग के लिए एतद्वारा मर्जित किया जाता है।

प्रत: इस घास की उपधारा (4) द्वारा प्रवत्त अधिकारों का प्रयोग करते हुए भारत सरकार निर्देश देती है कि उक्त भूमियों में अधिकार, भारत सरकार में निहित होने के बजाय गैंग ग्राउंडरी और ईंडिया लिमिटेड, राजास्त्री में सभी वाद्याओं से सूक्ष्म रूप में घोषणा के प्रकाशन की तारीख से निहित होगा।

अनुसूची

आडाएकनम्बर्गन्नम जजराम से एम प्रार एल पनगुडी अंस पाहप लाईन एट

क्रमांक	तहसील	तालुक	बाम अ. 6		फोलफल		विवरण
			नाम	सर्वे नं.	हेक्टे.	एकड़ में	
तमिलनाडु	मार्ग आइवे मिल्स	तिल्लाहर	36/2 फ़ल्लूर	285/2सी	0.02.0	0.05	
				284/2	0.15.0	0.37	
				283/2ए	0.03.0	0.08	
				283/2टी	0.02.0	0.05	
				283/3	0.03.0	0.08	
				283/4	0.03.0	0.08	
				283/6	0.03.0	0.08	
				283/7	0.03.0	0.08	
				282/2	0.05.0	0.12	
				282/3ए	0.04.0	0.10	
				282/3टी	0.16.0	0.40	
				281/1	0.13.5	0.33	
				281/3टी	0.02.5	0.06	
				280	0.17.0	0.42	
					0.92.0		

म

[पंच-14016/8/93-जी वी]
प्रधान सेन, निवेशक

New Delhi, the 29th March, 1994

S.O. 915.—Whereas by Notification of the Government of India in the Ministry of Petroleum S.O. 2485 dated 20-11-93, under Sub-Section (1) of Section of the Petroleum and Minerals Pipe Lines (Acquisition of Right of User in Land Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for purpose of laying pipe line.

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government.

And further whereas the Central Government has, after considering the said report, decided to acquire

the right of user in the lands specified in the schedule appended to this Notification.

Now, therefore, in exercise of the power conferred by Sub-Section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the Schedule appended to this notification hereby acquired for laying the Pipe Line.

And further in exercise of power conferred by sub Section (4) of the Section the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vest on this date of the publication of this declaration the Gas Authority of India Limited free from encumbrances.

SCHEDULE

Adiyakkamangalam GGS to MRL, Panangudi Gas pipe Line Project

State	District	Talu'	Village No. & Name	Survey Nos.	Area		Remarks
					In Hectares	In Acre Cent	
Tamil Nadu	Nagai, Quaid-E-Milleth	Thiruvarur	36/2-Karoppoor	285/2C 284/2 283/2A 283/2B 283/3 283/4 283/5 283/6 283/7 282/2 282/3A 282/3B 281/1 281/3B 280	0.02.0 0.15.0 0.03.0 0.02.0 0.03.0 0.03.0 0.03.0 0.03.0 0.03.0 0.05.0 0.04.0 0.16.0 0.13.5 0.02. 0.17.0	0.05 0.37 0.08 0.05 0.08 0.08 0.08 0.08 0.12 0.10 0.40 0.33 0.06 0.42	
					0.92.0		

[Ns. L-14016/8/93-GP]
ARDHENDU SEN, Director

नई विली, 29 मार्च, 1994

का. प्रा. 916.—पेट्रोलियम और ग्रनिज पाइप लाईन (भूमि के उपयोग के प्रधिकार का विभाग) प्रधिनियम, 1962 (1962 का 50) द्वारा 3 की उपधारा (1) के प्रधीन भारत सरकार के उपयोग मंत्रालय, रसायन और पेट्रोलियम विभाग की प्रधिसूचना का. प्रा. 2484 तारीख 20-11-93 द्वारा भारत सरकार ने उस प्रधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के प्रधिकार को पाइप लाईन बिलाने के प्रयोजन के लिए अर्जित करने का अपना आशय घोषित किया था।

प्रत: महाम प्रधिकारी ने उक्त प्रधिनियम की द्वारा 6 की उपधारा (1) के प्रधीन सरकार को रिपोर्ट दे दी है।

तथ्यस्त्रात्, भारत सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस प्रधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग का प्रधिकार अर्जित करने का विनिश्चय किया है।

प्रत: अब प्रधिनियम की द्वारा 8 की उपधारा (1) द्वारा प्रदत्त प्रधिकारों का प्रयोग करते हुए भारत सरकार एतद्वारा घोषित करसी है कि इस प्रधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का प्रधिकार पाइप लाईन बिलाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

प्रत: इस द्वारा 8 की उपधारा (4) द्वारा प्रदत्त प्रधिकारों का प्रयोग करने हुए भारत सरकार निर्देश देती है कि उक्त भूमियों में प्रधिकार, भारत सरकार में निहित होने के बजाय गैस घर्याँरिटी और हड्डिया लिमिटेड, राजामंड्री में सभी बाधाओं से मुक्त हृष्प में घोषणा के प्रकाशन की तारीख से निहित होगा।

अनुसूची

प्राइवेक्टमंगलम जीवीएस से एम आर एल पन्नगुडी गैस पाइप लाईन हट

जनपद	तहसील	तालुक	प्राम नं. व नाम	सर्वोन्म.	धेनफल		विवरण
					हेक्टे.	एकड़ में	
तमिलनाडु	नार्ग काइदे मिल्सत	निस्वारूर	36 भ्रालिवलम	132 130/1 130/2 18/1 17/2 17/3	0.04.5 0.03.5 0.03.0 0.13.0 0.18.0 0.07.0	0.11 0.09 0.08 0.32 0.45 0.17	
					0.49.0		

[सं. एल-14016/8/93-गी. पी]

मध्यमु सेन, निदेशक

New Delhi, the 29th March, 1994

S.O. 916.—Whereas by Notification of the Government of India in the Ministry of Petroleum S.O. 2484 dated 20-11-93, under Sub-Section (1) of Section of the Petroleum and Minerals Pipe Lines (Acquisition of Right of User in Land Act, 1962) (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for purpose of laying pipe line.

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government.

And further whereas the Central Government has, after considering the said report, decided to acquire

the right of user in the lands specified in the schedule appended to this Notification.

Now, therefore, in exercise of the power conferred by Sub-Section (1) of the Section 6 of the said Act the Central Government hereby declares that the right of user in the said lands specified in the Schedule appended to this notification hereby acquired for laying the Pipe Line.

And further in exercise of power conferred by sub-Section (4) of the Section the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vest on this date of the publication of this declaration the Gas Authority of India Limited free from encumbrances.

SCHEDULE

Adiyakkamangalam GGS to MRL, Panangudi Gas Pipe Line Project

State	District	Taluk	Village No. & Name	Survey Nos.	Area		Remarks
					In Hectares	In Acre Cent	
Tamil Nadu	Nagai, Quaid-E-Milleth	Thiruvarur	36-Alivalam	132	0.04.5	0.11	
				130/1	0.03.5	0.09	
				130/2	0.03.0	0.08	
				18/1	0.13.0	0.32	
				17/2	0.18.0	0.45	
				17/3	0.07.0	0.17	
					0.49.0		

[No L-14016/8/93-GP]

ARDHENDU SEN, Director

नई दिल्ली, 17 मार्च, 1994

का.आ. 917.—श्रीदीय विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, पंजाब एंड सिध बैंक के प्रबंधतांत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनबंध में निर्दिष्ट श्रीदीय विवाद में केन्द्रीय श्रीदीय अधिकरण, जयपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-3-94 को प्राप्त हुआ था।

[संख्या एल-12012/735/87-डी-2(ए)]

सी. गंगाधरन, डैस्क अधिकारी

New Delhi, the 17th March, 1994

S.O. 917.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Industrial Tribunal Jaipur as shown in the Annexure in the Industrial Dispute between the employees in relation to the management of Punjab and Sind Bank and their workmen, which was received by the Central Government on 16-3-94.

[No. L-12012/735/87-D.I.I.A]
C. GANGADHARAN, Desk Officer

केन्द्रीय श्रीदीय न्यायाधिकरण, जयपुर

केस नं. सी.आई.टी 42/1988

रैफरेंस: केन्द्र सरकार, श्रम मंत्रालय, नई दिल्ली का आदेश क्रमांक 12012/735/87 डी.2 (ए) दिनांक 13-7-1988

राजस्थान बैंक एम्प्लाईज यूनियन, भरतपुर शाखा —प्रार्थी

धनाम

केन्द्रीय प्रबंधक पंजाब एंड सिध बैंक, जयपुर —प्रार्थी

उपस्थित

माननीय न्यायाधीश श्री शंकर नाल जन, आर.एच.जे.एस

प्रार्थी की ओर से:

श्री जे. ए.ल. शाह

अप्रार्थी की ओर से:

श्री बी. एस. रत्न

दिनांक अधार्ड:

18-12-1993

अवधार्ष

श्री जे. एल. शाह यूनियन की ओर से तथा बी.एस. रन्न विपक्षी बैंक की ओर से उपस्थित हैं। श्री शाह आज भी गहादत पेश करने के लिए समय चाहते हैं। श्री रन्न को प्रतिराज है। यूनियन को दिनांक 17-1-92 से निरंतर शाहादत के लिए समय दिया जा रहा है और अब समय दिया जाना उचित प्रतीत नहीं होता। अतः इस प्रकरण में नो छिप्पट अवधार्ष पारित किया जाता है जो केन्द्र सरकार को प्रकाशनार्थ नियमानुसार भेजा जाये।

शंकर लाल जैन,
पीठासीन अधिकारी
केन्द्रीय श्रौद्धोगिक न्यायाधिकरण,
जयपुर।

नई दिल्ली, 18 मार्च, 1994

का.ग्रा. 918.—श्रौद्धोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मी. बी.सी.सी.एल. का कतरास लेव संस्था-4 के प्रबंधतंत्र के संबंद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रौद्धोगिक विवाद में केन्द्रीय सरकार श्रौद्धोगिक अधिकरण, (सं. 2), धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-3-94 को प्राप्त हुआ था।

[संख्या-एन-20012/260/90-आईआर (कोल-1)]
सी. गंगाधरन, डेस्क अधिकारी

New Delhi, the 18th March, 1994

S.O. 918.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal (No. 2), Dhanbad as shown in the Annexure in the Industrial Dispute between the employees in relation to the management of Katras Area No. IV of M/s. B.C.C.L. and their workmen, which was received by the Central Government on 17-3-94.

[No. L-200]2/260/90-IR(Coal)-I]
C. GANGADHARAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2), AT DHANBAD

PRESENT :

Shri B. Ram, Presiding Officer.

In the matter of an industrial dispute under Section 10(1)(d) of the I.D. Act., 1947.

Reference No. 75 of 1991

PARTIES :

Employers in relation to the management of Katras Area No. IV of M/s. B.C.C.L. and their workmen.

APPEARANCES :

On behalf of the workmen.—Shri D. Mukherjee, Secretary, Bihar Colliery Kamgar Union.

On behalf of the employers.—Shri B. Joshi, Advocate.

STATE : Bihar. INDUSTRY : Coal.

Dhanbad, the 10th March, 1994

AWARD

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(260) 90-I.R. (Coal-1), dated, the 18th March, 1991.

SCHEDULE

"Whether the management of Katras Area IV of M/s. Bharat Coking Coal Ltd. is justified in not departmentalising Shri Raj Kumar Paswan and seven others (as given in the annexure) and also whether the management is justified in terminating their services w.e.f. 1-4-90? If not, to what relief the said workmen are entitled?"

ANNEXURE

1. Shri Rajkumar Paswan.
2. Shri Bihari Ram.
3. Shri Dineshwar Prasad.
4. Shri Jayprakash Paswan.
5. Shri Ramashrya Paswan.
6. Shri Shiv Shankar Shaw.
7. Shri Baiju Prajapat.
8. Shri Rajendra Prasad.

2. The concerned workmen claim to have been working as line man including the job of repairing laying underground cable for internal telephone system since 1980 continuously, in the collieries mainly Chaitodih, Ramkanali, Angarpather and Mudidih. The job which they have been doing is of permanent nature. They claim to have been doing it under the direction, control and supervision of the management but they are being paid their wages through different intermediaries. It was stated that for all purposes the concerned workmen have been rendering jobs for the management. They represented their case several times for regularisation as permanent employees of BCCL and also payment of their wages as per NCWA-III and IV but without any effect. Lastly an industrial dispute was raised which ended in failure giving rise to the present reference.

3. The management denied the relationship of employer and employee between the management and the concerned workmen. Through W.S. it was stated that they were never issued any appointment letter or the identity card and Bonus Card. Their names do not appear in the Form B Register.

4. It was submitted that during the year 1989-90 tenders were invited from different contractors for installation, repairing and maintenance of telephone line and telecommunication connecting the area office with the collieries and the tenders submitted by M/s. TOL Society being the lowest one was accepted. That TOL Society worked as per work order till 31-3-90 and after that the contract was terminated.

5. It was contended that the said contract work was awarded as stop gap arrangement when the permanent trained personnel of telephone department were busy in doing the job of installation of telephone at different places. After 1-4-90 there was no requirement of the contract labour for the permanent hands of the telephone department were available. The concerned workmen claim to have worked in TOL Society and they want their employment/absorption by abolishing the contract system. The management is empowered to engage contractors for the job which have not been prohibited under the provision of the Contract Labour (Regulation & Abolition) Act, 1970. It was also submitted that the Central Govt. was the appropriate authority to issue notification under Section 10 of the Aforesaid Act to prohibit employment of contract labour on the type of job which are of permanent and perennial nature. However, the management negated contractor on non-prohibited job.

6. It was further submitted that the concerned workmen have to prove that they worked as contract labour of the TOL Society. Accordingly it was submitted that the concerned workmen are not genuine persons who worked under TOL Society. Accordingly it was submitted that the concerned workmen are not entitled to any relief.

7. The question for consideration would be as to whether the concerned workmen ever worked under TOL Society and are entitled for reinstatement and regularisation ?

8. The union never stated that the concerned workmen were contract labour working under TOL Society. WW-1 Shri Bihari Ram one of the concerned workman stated in his evidence that they never formed any society. He also does not know anything about TOL Society or its registration. They claim to have been working as line man since 1980 under the direct control and supervision of the management. Admittedly they do not possess any appointment letter, identity card or bonus card but they claim to have been working continuously on humiliative and exploitative terms and conditions. They were not paid wages as per NCWA. On the other hand the management stated that there was a TOL Society which was given the contract job relating to maintenance of internal telephone line and telecommunication in the area. The tenders were also invited and one having the lowest rate as entrusted with the job. It was also stated that TOL Society used to engage its own men as per requirement and the management had nothing to do with their selection or supervision of work. In para-14 of the W.S. the management stated that the concerned workmen were not genuine workmen who had worked under the society. The question is that the concerned workmen themselves are not asserting their allegiance with any society like TOL Society. They claim to have been working independently under the direct control and supervision of the management. Shri Bihari Ram was examined and a suggestion was thrown to him which simply suggests that they had formed TOL Society whose main function was to maintain and given extension of telephone lines. It was also suggested that the witness signed each and every paper in capacity of the representative of the TOL Society. However, all these suggestions have been denied by the witness. In this way there is nothing to show that the concerned workmen were the members of the TOL Society.

9. MW-1 Shri P. Jha has proved five photo copies of tender which were invited to do the job of maintenance of internal telephone line. They have been marked Ext. M-1 to M-4. Noting sheets dt. 4-7-88 has been marked Ext. M-2. The work order issued in favour of TOL Society is Ext. M-3. Four tenders of the year 1989 have been marked Ext. M-1/5 to M-1/8. The letter of acceptance by TOL Society is Ext. M-4. The photo copy of the bills submitted by TOL Society have been marked Ext. M-6 series. The pay orders relating to the bills are Ext. M-7 and M-7/3. The contract of the TOL Society was terminated on 30-3-90 and after that no contract was given to anybody. The letter terminating the contract is Ext. M-8. The witness stated that the management has got sufficient number of work force to do the aforesaid job. The question is that the concerned workmen never claim to be the contract labour or the labour of the TOL Society nor this fact has been proved by any reliable documentary evidence and therefore the question of abolition of the contract system does not arise which power solely rests with the Central Government.

10. It is the case of the management that after 1-4-90 there was no requirement for engagement of contractor on the maintenance job of telephone line as the permanent workmen belonging to telephone cadre were available to look after the maintenance job. No contractor was engaged after 1-4-90 as the job of maintenance MW-1 stated in cross-examination that after 1-4-90 the permanent workmen of the management are discharging the same function/duties which were being done by the concerned workmen. The evidence of this witness atleast goes to prove that the concerned workmen were doing the maintenance job of telephone line. The witness also stated that all the materials to accomplish the job of internal telecommunication were supplied by the management. The witness admitted that the concerned workmen were not getting wages at par with the permanent workmen.

11. Shri M. V. Rao, MW-2 joined Katras Area No. IV in December, 1986 as Executive Engineer. He in the year 1989 became Sr. Executive Engineer. During his tenure installation work was going on which was being done by the permanent workmen only. The witness stated that Shri Bihari Ram one of the concerned workman used to submit bills on behalf of TOL Society. It is he who had

been collecting money from the management. However, Bihari Ram WW-1 has denied this fact.

12. The witness stated that maintenance of telecommunication is temporary work. I think the word "Maintenance" has to be read in its wider connotation. "Maintenance" definitely includes repairing and servicing. The witness also clarified this position when he stated that in case of failure of telephone communication there will be necessity of its maintenance and not otherwise. It may be mentioned that particular hour and month of the failure of the telephone line cannot be apprehended. It requires regular watch and maintenance. The union has filed and proved a number of registers right from 1982 to 1987 showing that they all have been doing as line man continuously for the last more than 10 years. Shri Bihari Ram has been shown as Head Line Man. These registers have been marked Ext. W-2 and W-3 series. These registers show the signature of the concerned workmen who signed after completion of the days work allotted to individual workman. The witness also stated that the register was signed by the Officer of the management also who used to supervise their work. I find that the registers at its bottom have been signed by some official. There is no cross-examination specifically on this point that it was not signed by any official. This simply demonstrates that the work of the concerned workmen was supervised by the concerned workmen. Prima facie I find no reason to disbelieve so many registers numbering about 14 or 15.

13. From the above discussions it is gathered that the concerned workmen have been working as Line man doing job of repairing and maintenance of telephone line. They have been doing regularly since 1980. This proves that it was continuous and perennial nature of job. The implements to do the job were also supplied by the management. The supervision of the management becomes necessary in the sense that bills cannot be passed unless the work is done to the satisfaction of the management. The registers under Ext. W-2 and W-3 series show that the concerned workmen have been doing work everyday and the requirement of continuous service as provided under Section 25B of the ID. Act was satisfied. It may not be out of place to mention that they were also called for interview sometimes in the year 1982. Two interview letters for the post of line man have been marked Ext. W-4 and W-4/1. W-4 relates to Shri Raj Kumar Paswan, the concerned workman and Ext. W-4/1 is with respect to Bihari Ram. The management is silent over these aspect of the matter. Prima facie I find no reason to disbelieve these two documents. It will be necessary presumption that the concerned workmen were called for interview for their posting as line man but no reason has been assigned as to why they were not selected. This also suggests that they have been doing the work of line man since before 1982.

14. It is not that they are demanding employment over night through back door method. They have been doing for more than 10 years on lower wages with the only hope of their absorption in the services of BCCL in due course. The learned counsel for the management has relied upon some of the authorities and submitted that completion of 240 days of attendance in a calendar year does not give any right to the concerned workmen for their departmentalisation. These authorities are as follows :—

- 1992 Lab-IC-847 Delhi Development Horticulture Employees' Union Vs. Delhi Administration.
- 1992 Lab-IC-2168 (State of Haryana Vs. Piali Singh).
- 1992 Lab-IC-75 Dena Nath Vs. National Fertilizers Limited.
- 1992 Lab-IC-2582 Association of Chemical Workers Vs. A.L. Alal Pukar & others.
- 1992 Lab-IC-2306, Union of India & others-Versus- Mumni Singh & others.

Of course there is no such authority but definitely after completing 240 days of attendance in a calendar year the concerned workman will be supposed to have been in continuous service. It has been the practice of the management to consider the cases of regularisation of the workmen having put in 240 days of attendance or more in a calendar year.

15. Thus I have considered various aspect of the matter and I am to hold that the concerned workmen are entitled for their reinstatement and regularisation in the services as Line Man. The management is directed to reinstate and regularise them as Line Man within two months from the date of publication of the Award. But there will be no order as to back wages.

This is my Award.

B. RAM, Presiding Officer

नई दिल्ली, 18 मार्च, 1994

का.शा. 919.—श्रीद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, मै. भारत कोकिंग कॉल लि. की कारगली वाशरी के प्रबंधतान के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रीद्योगिक विवाद में केन्द्रीय सरकार श्रीद्योगिक अधिकरण, (म. 1) धनवाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-3-94 को प्राप्त हुआ था।

[संख्या एल-20012/162/92-ग्राह आर (कोल-I)]

सी. गंगाधरन, डैस्क अधिकारी

New Delhi, the 18th March, 1994

S.O. 919.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal (No. I), Dhanbad as shown in the Annexure in the Industrial Dispute between the employees in relation to the management of Kargali Washery of M/s. C.C.L. and their workmen, which was received by the Central Government on 17-3-94.

[No. L-20012/162/92-IR(Coal-I)]
C GANGADHARAN, Desk Officer
ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference under section 10(1)(d) 2A of the Industrial Disputes Act, 1947.

Reference No. 114 of 1992.

PARTIES :

Employers in relation to the management of Kargali Washery of M/s. Central Coalfields Ltd.
AND

Their Workmen

PRESENT :

Shri P. K. Sinha,
Presiding Officer.

APPEARANCES :

For the Employers.—Shri R. S. Murthy, Advocate.

For the Workmen.—None.

STATES : Bihar.

INDUSTRY : Coal.

Dated, the 8th March, 1994

AWARD

By Order No. I-20012(162)92-I.R. (Coal-I) dated, the 25th September, 1992, the Central Government in the Ministry of Labour has, in exercise of its powers conferred by clause (d) of sub-section (1) and sub-section (2 A) of Section 10 of

852 GI/94 -7

the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the dismissal of Shri Sahdeo Gope, Piece rated worker of Kargali Washery of CCL is justified ? If not, to what relief the workman concerned is entitled ?”

2. This reference was received in the office of this Tribunal on 12-10-1992. Despite notice none appeared on behalf of the concerned workman. Again notice was sent by registered post, but without any response.

3. From the record it appears that the workman is not interested in the reference and that he does not want to pursue the matter.

4. Therefore, it is useless to drag the case further.

5. Therefore, I render a ‘no dispute award’ in this case.

P.K. SINHA, Presiding Officer

नई दिल्ली, 24 मार्च, 1994

का.शा. 920.—श्रीद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मै. झिंडियन आयरन स्टील कंपनी की जीतपुर कोलियरी के प्रबंधतान के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रीद्योगिक विवाद में केन्द्रीय सरकार श्रीद्योगिक अधिकरण, (म. 1), धनवाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-3-94 को प्राप्त हुआ था।

[संख्या एल-20012/171/89-ग्राह आर (कोल-I)]

सी. गंगाधरन, डैस्क अधिकारी

New Delhi, the 24th March, 1994

S.O. 920.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal (No. I), Dhanbad as shown in the Annexure in the Industrial Dispute between the employees in relation to the management of Jitpur Colliery of M/s. IISCO and their workmen, which was received by the Central Government on 22-3-1994.

[No. L-20012/171/89-IR(Coal-I)]

C. GANGADHARAN, Desk Officer.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference under section 10(1)(d) (2A) of the Industrial Disputes Act, 1947.

Reference No. 177 of 1989.

PARTIES :

Employers in relation to the management of Jitpur Colliery of M/s. Indian Iron & Steel Co Ltd.

AND

Their Workmen

PRESENT :

Shri P. K. Sinha.—Presiding Officer.

APPEARANCES :

For the Employers—Shri R. S. Murthy, Advocate.

For the Workmen.—Shri C. S. Choubey, Jr. General Secretary, Coalfield Labour Union.

STATE : Bihar INDUSTRY : Coal

Dated, the 22nd February, 1994

AWARD

By Order No. L-20012/171/89-I.R. (Coal-I), dated, the 17th November, 1989, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of Jitpur Colliery of M/s. IISCO Ltd. in dismissing Shri Ram Prasad Bhuria, Miner vide letter No. NJ/Tern-Ser/87/651 dated 15-12-87 is justified? If not, to what relief the concerned workman is entitled?”

2. The sponsoring Union in the written statement filed on behalf of the workman has stated that the workman was dismissed from service on the charge that he had absented from duty from 10-11-1984 without permission and intimation to the authority, but the chargesheet was issued to him only when the workman had reported for joining his duty, in writing, together with medical certificate showing therein that he was absent because of the treatment he was undergoing. It is further alleged in the written statement that even then the management stopped the workman from joining, without conducting any preliminary enquiry relating to the charge. It has been contended that the domestic enquiry that was conducted against the workman was neither fair nor proper.

3. It has further been averred that on issuance of dismissal letter the sponsoring union made a representation-cum-appeal by their letter No. 32 dated 12-5-1988 on various grounds including the ground of illness for which sick certificate was produced. A prayer has been made to render an award in favour of the workman directing the management to reinstate him in service with full back wages and other benefits.

4. The management also filed written statement-cum-rejoinder to the written statement of the workman stating therein that the reference was bad in law, though this point was not taken up in course of argument.

5. The management has stated in its written statement that the concerned workman was appointed as a Loader on 23-8-1974. This workman absented himself from duty without getting the leave sanctioned and without any information, since 10-12-1984 which act amounted to misconduct as per certified Standing Orders when the workman's absence exceeded the ten days. The management, as per written statement, waited for a long period for the workman to return back and ultimately issued him chargesheet dated 13-6-1984 (sic) which was sent to him at his home

address as per registered post with acknowledgement due. However, this envelope was returned back undelivered with the endorsement of postal Department “no trace”

6. However, the workman came back to the colliery and received the chargesheet on 23-6-1987 and submitted his explanation which was not found to be satisfactory. The workman had taken the plea that while availing sanctioned leave he fell ill and was lying in a precarious condition. Thereafter the management ordered for domestic enquiry which was conducted after issuance of the notice to the workman concerned. The workman participated in the enquiry and the enquiry was held in a fair manner in all respects. The Enquiry Officer submitted his report dated 17-10-87 holding the workman to be guilty of the charge levelled against him. The management, after due consideration, ordered dismissal of the workmen and the Manager of the colliery, by letter dated 15-12-87 dismissed the workman from service with effect from 15-12-87.

7. The management has also contended that the workman was a habitual absentee. A year-wise Chart from 1981 to 1985 has been given by the management which shows that in 1981 he attended duty for 114 days, in 1983, for 182 days, in 1984, for 101 days and he did not attend duty for a day either in the year 1982 or in the year 1985. In this connection it was contended that earlier also the workman was issued chargesheet dated 29-1-83 for leaving the colliery without permission and information in which matter also the domestic enquiry was held in which the workmen confessed his guilt. However, a lenient view was taken and the management issued only a warning to him by letter dated 3-3-83 also making it clear that severe disciplinary action shall be taken if the workman repeated such misconduct. This written statement also contains para-wise answer to the allegations made in the written statement of the workmen.

8. A rejoinder was filed on behalf of the workman. One point that may be mentioned in this connection is that whereas in para 15 of the written statement the management has spoken of previous enquiry in which warning was issued to the workman, the sponsoring Union while submitting para-wise reply to the aforesaid written statement of the management in its rejoinder though has mentioned para 15 along with paras 14 and 16 of the written statement of the management it has not specifically denied that earlier there was such domestic enquiry in which such a warning was issued.

9. In so far as domestic enquiry is concerned it will appear that by order dated 27-7-92 the learned predecessor had held while deciding the preliminary issue that the domestic enquiry was held fairly and properly. From this order it will appear that the General Secretary of the sponsoring Union had conceded, at the time of argument that the domestic enquiry was fair and proper.

10. Therefore, what this Tribunal has to decide is as to whether the conclusion arrived at by the Enquiry Officer was correct and, if so, whether the punishment

meted out to the workman can be held to be fair and just.

11. The Chargesheet (Ext. M-8) against the workman was that he was absenting from duty without leave, permission and information since 10-12-84, hence was charged with misconduct under Clause 27(16) of the Certified Standing Orders of the Company. He was asked to show cause as to why disciplinary action should not be taken against him. This chargesheet is dated 19-6-87 and the explanation of the workman is Ext. M-7. In his show cause there was no specific denial that the workman continuously had absented himself from duty with effect from 10-12-84 without permission and information, but has taken the only plea that while he was availing sanctioned leave he fell ill and was lying in a precarious condition during his protracted illness. Ext. M-6 is the notice given to the workman about the impending domestic enquiry.

12. The part of record of enquiry containing the evidence of witness is Ext. M-4. P. K. Acharyya, Incharge of PFBI, management representative had given his statement first. He said that his duty was to maintain the leave/sick entry in form 'X' register in respect of each of the employee. He said that the proceedee was absenting from duty without leave, permission and information since 10-12-1984. During cross-examination he was asked the basis of his statement and he replied that the basis were the records available in the office.

13. Management's witness No. 1 A. B. Pati, Despatch Clerk, said that it was his duty to receive the letters of outside agencies and to keep the record of the same. He said that he did not receive any letter or application of the proceedee in connection with extension of his leave, from his home. This witness placed the concerned register from December, 1974 to July, 1987 which verified that there was no such entry. This witness was not cross-examined.

14. MW-2 was Sri Attullah, Clerk at Jitpur Hospital, who, as he said, was maintaining Sick Fit Register at Jitpur Hospital for the employees who were declared fit or sick by the Doctor of the Company. He said that as per record available in the hospital the proceedee never reported sick in that colliery hospital since 10-12-84 upto July, 87. This witness was also not cross-examined by the proceedee.

15. On behalf of the proceedee, he presented himself as witness and said in his evidence that he had gone on two days leave with effect from 8-12-84 and fell seriously ill, hence could not join his duty at Jitpur. He said that he was under the treatment of Dr. Mukherjee and he also submitted a photo copy of the certificate (Ext. M-5). He further said that he came to join with medical certificate in June, 1987 after his recovery, but he was not allowed to resume his duty, rather was issued a chargesheet.

16. During the cross-examination the concerned workman admitted that he was so ill that he could not send any information. He denied the suggestion that he was not ill or had produced bogus medical certificate.

17. From the aforesaid evidence it is clear that with effect from 10-12-84 upto sometime in June, 1987 this workman had continuously absented himself from duty without proper sanction of leave as also without providing any information to the concerned authorities. Ram Prasad Bhuria in course of his evidence, has admitted that he did not send any information, but qualified the lapse by stating that he was so ill that he could not send information. But no explanation is forthcoming as to how he could not have information sent through some one else, may be his family member or may be some acquaintance.

18. Clause 27 of the Certified Standing Orders supplies a list of misconduct providing therein that an employee may be suspended, fined or dismissed if he was found guilty of any such misconduct. Sub-Clause 16 depicts misconduct of continuous absence without permission and without satisfactory cause for more than ten days. Apparently the workman was absent for much more than ten days without permission. Whether or not he had any satisfactory cause for such absence, the only point to consider is the photo copy of the medical certificate produced by him.

19. This photo copy of the medical certificate is in itself a bundle of confusions. Exts. M-5 and M-7 are the same copies of the certificate. From the stamp this appears to have been issued by one Dr. Capt. A. Mukherjee whose qualification, as per this stamp, was L.M.F.I.A.M.C. From the stamp it will appear that he was practising at Varanasi Cantonment. From the materials on record it will appear that the home address of the concerned workman was at Village-Chhowrah, Distt. Munghyr. For this, Ext. the dismissal order and Ext. M-8, the chargesheet may be seen. But this certificate gives address of a place at Varanasi. At different places in the certificate, different ailments have been given. What I can discern from this certificate, the following illnesses were mentioned :—

- (i) Mental up + down,
- (ii) With severe set back from bronchitis + pneumonia (also something concerning lung)
- (iii) Gren (Gangrene).

Thereafter this certificate, which is somewhat illegible also mentions that the workman came under his intensive care and treatment for paralysis in both legs. I suspect more other diseases are also mentioned which it is different to read. The doctor has certified that the treatment continued from 20-12-84 to 1-6-87 after which the workman was advised to resume his duty. This certificate contains six stamps of the aforesaid doctor, for which purpose, is not known.

20. Far from a doctor certificate, this appears to be the handy work of some lay man.

21. The circumstances also compel me not to put any reliance on this assertion of the workman. Treatment for about two and half years by a private doctor, that too, in his intensive care, must be a costly affair. Even the workman has not claimed that he was treated free. It has come on record of the enquiry that the concerned colliery had a hospital also. For a workman falling seriously ill, the

natural thing to do is to go to the hospital of his working place where his treatment there, or elsewhere would have been managed by the management. Moreover, the qualification of the aforesaid Dr. Capt. A. Mukherjee does not inspire confidence that a doctor with such qualification was competent to treat such serious ailments which also included mental condition. Moreover, it is unlikely that any qualified doctor would not name a particular mental disease as suspected by him, but mention the same as mental up+down.

22. The workman has not explained as to why he could not place on the record the original of that certificate.

23. Moreover, a person working in Bihar and having his home address in Bihar is hardly likely to opt for medical treatment outside Bihar, and that, too, by a private doctor who does not appear to be possessing qualification to treat such a disease.

24. Here also it may be seen that neither in his written statement nor in his explanation to the chargesheet submitted to the management, nor in his evidence, this witness has ever described his illness.

25. As against such position, Sri C. S. Choubey, appearing for the workman, has advanced two-fold arguments. Firstly he argued that when the workman came back and reported for duty, explaining his absence on account of his illness, the management ought to have constituted a Medical Board to verify his claim. Second argument was that Clause 11 of the Standing Orders applicable to the colliery provided that in such case the workman shall be entitled to be kept on 'Badli' list.

26. In so far as first argument is concerned I find no merit in it. Even if the medical certificate produced by the workman was to be believed, the doctor had certified that the workman was well and was permitted to resume his duty with effect from 2-6-1987. Therefore, whatever might have been the ailment of the workman, if he was fully cured and was fit to join his duty, hardly any Medical Board could have ascertained by examining him as to whether or not during the period of absence he was suffering from any such disease. For that the workman could have produced even before the Enquiry Officer all other medical papers which he must be possessing had he been suffering from ailment or ailments for that long.

27. In so far as the second argument is concerned Clause 11 of the Standing Orders runs as follows :

"Any direct employee of the Company other than a miner or loader who desires to obtain leave of absence shall apply in writing to the head of his department or the Manager of the Colliery. Employees who due to illiteracy do not apply in writing must apply verbally. If the employee remains absent beyond the period of leave originally granted or subsequently extended he shall lose his lien on his appointment unless :—

- (1) he returns within 8 days of the expiry of the leave, and
- (2) gives an explanation to the satisfaction of the Manager of his inability to return before

the expiry of leave. In case the employee loses his lien on the appointment he shall be entitled to be kept on the "Badli" list.

If leave is refused or postponed the fact of such refusal or postponement and the reasons therefor shall be recorded in writing in a Leave Register to be maintained for this purpose and if the employee so desires, a copy of such entry in the Register shall be supplied to him."

As against this, Clause 27 runs as follows :—

"As employee may be suspended, fined or dismissed without notice or any compensation in lieu of notice if he is found to be guilty of misconduct,.... The following shall denote misconduct :

- (16) Continuous absence without permission and without satisfactory cause for more than 10 days."

28. Therefore, if the provision of Clause 11 has to be carried out in all the eventualities it would make this particular instance of misconduct, punishable with even dismissal, to be redundant. But this cannot be the intention of framing Clause 27. If these two clauses have different meanings in which in one case the workman may be dismissed from service while in other he though loses his lien, but becomes entitled to be kept on 'Badli' list, such difference has to be reasonably explained.

29. The difference is very clear. Clause 11 speaks of a situation in which when the employee has remained absent beyond the period of leave originally granted or subsequently extended, he loses his lien on his appointment if he does not return within 8 days of the expiry of leave and does not give satisfactory explanation for his such absence. But Clause 27(16) speaks simply of continuous absence without permission and without satisfactory cause and here the period of absence is ten days.

30. Clause 27(16) also may include a situation in which the workman has absented himself beyond the period of leave already granted, for ten days or more. Whether, in such circumstance, the aforesaid two clauses can be taken to be contradictory to each other ? Even in such a case I do not think that the provisions are contradictory. There is a possibility that the workman returns from unauthorised leave on the 9th day and then, though he has lost lien to his appointment, he shall be kept on the 'Badli' list. But Clause 27(16) becomes applicable in more serious cases. If the period of such absence is not enormous then it may not be necessary to order dismissal of the workman, but other punishment, such as fine may be imposed as also provided under Clause 27. The difference between the two clauses is clear from other provisions also. Provisions in Clause 11 may take place automatically whereas for giving effect to Clause 27, the procedure as provided under Clause 28 has to be undergone. Clause 28 relates to giving an opportunity to a workman to explain the circumstances alleged against him and for holding domestic enquiry.

31. Therefore, in a case covered under Clause 27, it cannot be argued that the workman must be given the benefit of Clause 11 by placing him on the 'Badli' list.

32. Therefore, I do not find that either of the two arguments advanced on behalf of the sponsoring Union has much merit.

33. Taking everything into account it must be held that the workman has not been able to prove satisfactorily his long absence from duties. Mere production of photo copy of a medical certificate, in the circumstances already discussed, cannot extricate the workman. In view of this I must hold that the Enquiry Officer was correct in coming to the conclusion that the charge of misconduct against the workman was proved.

34. Now the only thing that remains to be discussed is the propriety of the punishment meted out to the workman. Here also I do not find that there is any scope of leniency. This workman has been proved to have remained continuously absent from his duty for over two and half years without permission and without furnishing any information to the concerned authority. There would have been a ground for leniency if his misconduct had not expected for a such long period or that he had shown even a semblance of justification for such absence. In those cases even if the misconduct of absence beyond a period of ten days was proved, that could have called for some leniency and lesser punishment. For the healthy growth of industry and for maintaining a proper industrial relation between the management and the workman, discipline in work is a must. A workman who shows utter disregard to his duties and is disdainful to even the minimum of discipline can hardly claim a right for continuance in service.

35. Therefore, I do not think that the management was not justified in ordering dismissal of this workman.

36. Therefore, the following award is rendered :— The action of the management of Jutpur Colliery of M/s. Indian Iron & Steel Co. Ltd., in dismissing Ram Prasad Bhuria, Miner/Loader with effect from 15-12-87 was justified. The concerned workman was not entitled to any relief.

In the circumstances of the case, parties shall bear their own cost.

P. K. SINHA, Presiding Officer.

नई दिल्ली, 24 मार्च, 1994

का. आ. 921.—श्रीद्वयिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मै. भारत कोकिंग कोन लिमि. की माउथ तीमरा कोलियरी के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रीद्वयिक विवाद में केन्द्रीय सरकार श्रीद्वयिक अधिकरण, (स. 1), धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-3-94 को प्राप्त हुआ था।

[संख्या एल-20012/343/89-प्राई आर (कोल-1)]

सी. गंगाधरन, डेस्क अधिकारी

New Delhi, the 24th March, 1994

S.O. 921.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal (No. 1), Dhanbad as shown in the Annexure in the Industrial Dispute between the employees in relation to the management of South Tisra Colliery of M/s. B.C.C.L. and their workmen, which was received by the Central Government on 22-3-94.

[No. L-20012/343/89-IR(Coal-1)]
C. GANGADHARAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DIJANBAD

In the matter of a reference under Section 10(1)(d)(2-A) of the Industrial Disputes Act, 1947.

Reference No. 73 of 1990

PARTIES :

Employers in relation to the management of South Tisra Colliery of M/s. B.C.C. Ltd.

AND

Their Workmen

PRESENT :

Shri P. K. Sinha, Presiding Officer.

APPEARANCES :

For the Employers : Shri B. Joshi, Advocate.
For the workmen : Shri C. Prasad, Advocate.

STATE : Bihar.

INDUSTRY : Coal

AWARD

Dated, the 24th February, 1994

AWARD

By Order No. L-20012/343/89-IR(Coal-1) dated the 18th April, 1990, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of South Tisra Colliery of M/s. B.C.C. P.O. Khas Jeenagora, Dist. Dhanbad in dismissing Shri Iindradeo Singh, Dumper Operator (Trainee) from service w.e.f. 4-10-1988 is justified ? If not, to what relief the workman is entitled ?”

2. As will appear from respective written statements of the parties and the rejoinder on behalf of the workman, that the concerned workman, Iindradeo Singh was issued chargesheet dated 2-3-1987, under the signature of the Manager of South Tisra Colliery of M/s. B.C.C. Ltd. on the allegation that in the 2nd shift of 23-2-87 while the workman was on duty as Haulpack Operator at South Tisra Patch Project, and when one Sagir Ahmed was repairing the self of the Haulpack which was out of order, the workman who was on the Driver's seat put the engine in gear and released the break and pushed the accelerator thereby proving the aforesaid Haulpack, which crushed the Auto-Electrician Helper Sagir Ahmed who died as a result of that.

3. The workman has put up the defence that since the aforesaid haulpack was out of order, he left the same with the Fitter Ramesh Bharti who went to fetch the Auto Electrician and this workman went to report the matter to one Mr. Verma, Shift Engineer. The incident had occurred while he had gone

away. It was claimed that the workman was victimised because of his trade union activities and for pressing his claim. The workman in his written statement has also submitted that the punishment awarded was disproportionate to the alleged act of misconduct.

4. I have not mentioned the long averments of the respective parties about the fitness and propriety of the domestic enquiry since that matter was decided as preliminary issue by the learned predecessor by an elaborately discussed order dated 19-10-92 in which it was held that the domestic enquiry was held fairly and properly. Before passing of this order the parties were afforded opportunity to examine witnesses also.

5. Admittedly at the time of the alleged incident this workman was under training because Ext. M-2 (Chargeshet) is addressed to him as Dumper Operator (Trainee). From the record of the enquiry it appears that the workman has submitted his reply to the charge and had said in his explanation (Ext. M-3) that on 23-2-87 while he was on duty in the 2nd shift he found self starter as well break of the Haulpack were out of order. He reported the matter to the Fitter Ramesh Bharti, who went to bring the Auto-Electrician and the workman himself went to report the matter to the Shift Engineer, Mr. Verma. While he was coming back he heard that unfortunate accident had taken place in his absence. He has denied that at the time of accident he was sitting in the Driver's seat.

6. Now the matter for consideration before this Tribunal is as to whether or not the Enquiry Officer had correctly appraised the evidence and come to the correct conclusion that the charges were proved. Secondly that whether or not, in case the first question is answered in favour of the management, the punishment awarded to the workman was just and proper.

7. For deciding the first issue I will discuss the evidence on record. From the record, as will be discussed it does not appear that this defence of the workman is acceptable that at the time of accident he was not in the driver's seat. It is admitted position that at the time of his duty he found that the aforesaid haulpack was not taking self-start. This shows that he was to take charge of that haulpack.

8. MW-1 Ramesh Prasad, Fitter, who was also working in that shift, has said that his duty was to check the MEMM Machine which he had done. He said that Indradeo Singh, Dumper Operator (Trainee), was given Dumper No. 176. After 5 minutes Indradeo Singh came back with the Dumper and said that foot-break was not working. Then the concerned engineer directed this witness to provide Dumper No. 113, which had mechanical start, to the workman. Then the witness sent the fitter helper Tippan to tighten the screw and to give the Dumper to Indradeo Singh, when Tippan Mondal asked Indradeo Singh to start the engine the concerned workman could not start the same. On being informed this the witness checked himself and sent Tippan to call Sagir Ahmad. Sagir Ahmad went inside the dumper and corrected the defect. Then Sagir Ahmad asked to start the engine. Then Indradeo Singh sat in the operating cabin and the engine was started by him. Within seconds the dumper started rolling. Thakur Rai, General Mazdoor, was also there. The Dumper took speed and every body started raising voice. Tippan suffered injury on his arm, but back side tyre of the Dumper traversed over Sagir Ahmad. After travelling 10 to 15 feet the Dumper stopped. The Engineer, Verma Saheb came with vehicle and Sagir was brought to the hospital where he was declared dead. This witness categorically stated that while the Dumper had started rolling it was Indradeo Singh who was in the Cabin.

9. This witness was fully cross-examined. In cross-examination this witness said that Sagir Ahmad was making the point direct with the help of a screw-driver. He also said that Sagir Ahmad had told the workman to start the engine when so asked by him. He also said that the Dumper was started when Sagir Ahmad shouted to start the same. The witness also said that Sagir Ahmad was doing his work, while sitting under the vehicle.

10. Second witness is Sri S. K. Verma, the concerned Engineer. His evidence is very vital because the workman

has claimed that while the incident took place, he had gone to report to Mr. Verma. He has supported that Indradeo Singh had reported about the first vehicle that the break was out of order, then he had directed Ramesh Prasad to provide another Dumper after tightening the mechanical screw and after getting it started. This witness said that thereafter Indradeo Singh and Ramesh Prasad went to the parking yard. After about 10 minutes he heard shouting and he ran there along with two other Dumper Helpers. He saw that Sagir Ahmad was lying there and the said Dumper was standing about 15 to 20 feet ahead of its starting position. He was informed about the incident and then he brought vehicle and took Sagir to the hospital. He also informed the doctor and other officials. Doctor declared Sagir Ahmad to be dead. He again came back to the place of incident where the engine of the Dumper was still running, but Indradeo Singh was absent. This witness was cross-examined about general points. But here also he reiterated that the aforesaid Dumper was standing 15 to 20 feet away and that the engine was running. He did not know as to who subsequently shut off the engine. He also admitted that as per report of the general shift, the Dumper had been in O.K. condition. He has given satisfactory replies. He does not say that the workman had gone to him just before the incident, nor he has been asked any question in his cross examination in this regard.

11. The third witness Tippan has supported about calling Sagir Ahmad to correct the self. He said that he and Sagir both were under the Dumper and Indradeo Singh was in the Driver's seat. He said that the Dumper started moving and he jumped out from (under the) vehicle and suffered injury in his hand. According to him, Sagir Ahmad could not extricate himself away, hence he was crushed under the wheel.

12. In the cross-examination he has said that he was working with Fitter Ramesh Prasad. He said that the Dumper had moved when Sagir Ahmad was doing repair work.

13. These are all the evidence on behalf of the management.

14. Indradeo Singh examined himself in defence. He has, more or less supported his case in his statement and has claimed that while he was reporting to Mr. Verma he heard holla and he and Mr. Verma came running together and saw that people were loading Sagir Ahmad in a vehicle. He claimed that he could not say as to how the accident had occurred. He admitted that the aforesaid Dumper was under his charge. This witness, during cross-examination, has said that the Engineer Mr. Verma had lied in his evidence when he meant to say that the workman was not with him at the time of the incident.

15. There is no other witness to support the workman.

16. Three of the management's witnesses out of which two were not officials, have categorically stated that at the time of incident it was Indradeo Singh who was in the Driver's seat. The alibi of workman is that he was with Mr. Verma and that on hearing holla of the incident he had come running there with Mr. Verma. But the evidence of Mr. Verma does not support it, rather he says just the opposite. There is no reason as to why Mr. Verma would lie in order to implicate this workman against whom no enmity has been shown. There is no reason as to why he would try to save the real culprit if Indradeo Singh was not in the Dumper's seat. Someone must have been there in the Driver's seat. It appears from the fact that not only the dumper moved upto 15 to 20 feet, but after moving it had stopped and was standing with its engine running, that after some distance some one had applied the break. This also means that while the dumper had moved, the vehicle must have been in gear, but when it stopped and was standing with its engine running, this showed that the gear was changed to neutral. Therefore it cannot be a case of dumper starting and moving all on its own. Some one must have been there to press the clutch while putting the vehicle in gear and the accelerator had to be pressed while releasing the clutch in order to move the vehicle. If some one was there in the Dumper Cabin then the evidence amply shows that that person was Indradeo Singh. There is also no reason as to why two other witnesses should falsely take the name of this workman when none of these witnesses have been shown to be having any reason whatsoever to depose against this workman.

17. Therefore, I find when the Dumper had started, it was Indradeo Singh who was in the Driver's seat.

18. The workman must have known the positioning of the Auto-Electrician while he was mending the vehicle. It definitely was expected of him to be extra careful when the Dumper was being repaired. If it is held that Indradeo Singh was in the Driver's seat then it must also be held that he was responsible for the mishap though there is nothing on the record to show that he had any malafide intention. The indications are that the death of Sagir Ahmad was caused by the neglect of the Driver, but without any intention to cause any harm to Sagir Ahmad or to any one else.

19. I say that the Driver was responsible for the death because the evidence has shown that break, clutch, gear and the accelerator of the Dumper were in working order. Functioning of all these was required in order to move the vehicle after it was started, and to stop it after some distance and to keep the engine running while the vehicle was standing there. This also means that had the driver been alert and had his reflexes been kept as one aspiring to be a driver must have this tragic incident could have been avoided. From the evidence on record it is clear that as soon the Dumper was started, hue and cry was raised. Any driver with proper reflexes would have immediately applied the break. The evidence shows that the vehicle gathered acceleration which shows that because of weak reflexes and confusion in mind the driver instead of pressing the break had pressed the accelerator thereby bringing in demise of a human being.

20. Even if it is taken that in course of repairs, the engine had started by itself, still the driver would be blamed for neglect because the vehicle could not have moved without application of the clutch, gear and accelerator. Even if the vehicle was in gear from before, then it required to use of clutch and accelerator to move it upto 15 to 20 feet.

21. Therefore, it was rightly held that neglect on part of workman Indradeo Singh was responsible for the death of Sagir Ahmad. I can not find fault with the conclusion of the Enquiry Officer that the charge so far had been proved.

22. Now coming to the second issue i.e. adequacy of the punishment, in any other case the workman could have been held entitled to some leniency in case of some neglect, but that cannot be applied to this case. It appears that this misconduct was committed by the workman unintentionally and without any malafide intention. But I cannot recommend any leniency in punishment because then he will again go back to the job of Dumper Driver and a Driver with weak reflexes and prone to confusion under some extra ordinary circumstances is likely to bring more disaster in future, if again allotted that job. This risk no management can take. Therefore, I do not find that there is anything in the record to interfere with the quantum of punishment.

23. However, since the incident was unintentional, the management may consider the desirability of providing any other job to this workman, except that of a Dumper Driver on humanitarian ground which may be treated as a fresh appointment. This is just by way of advice because this cannot form part of the award that will be rendered.

24. In the aforesaid circumstances the following award is rendered—

The action of the management of South Tista Colliery of M/s. B.C.C. Ltd. in dismissing Indradeo Singh, Dumper Operator (Trainee) from service with effect from 4-10-1988 is justified. The workman is not entitled to any relief in this regard.

In the circumstances of the case there will be no order as to the cost.

P. K. SINHA, Presiding Officer

नई दिल्ली, 18 नार्च, 1991

ना. आ. 922.—श्रीयोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार मे, केन्द्रीय गवर्नर, उसे दिनांक 16-3-94 को प्राप्त इतिव्रत आईने लागू किया गया प्रबन्ध में उसके कार्यवारी और नियोक्ताओं के बीच हुए श्रीयोगिक विवाद के संघर्ष में अनुबंध में व्यवस्था केन्द्रीय सरकार श्रीयोगिक अधिनियम राव न्यायालय अध्यक्ष नं. 1 के पंचाट को प्रकाशित करती है।

[म. एन-30012/4/92-आई. प्रार. (विविध)]

दी. पम. डेविड, इंस्पेक्टर अधिकारी

New Delhi, the 18th March, 1994

S.O. 922.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby published the award of the Central Government Industrial Tribunal Tribunal-cum-Labour Court Bombay No. 1 as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Indian Oil Corporation and their workmen, which was received by the Central Government on 16-3-94

[No. L-30012/4/92-IR(misc.)]

B. M. DAVID, Desk Officer

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, BOMBAY.

PRESENT :—

Shri Justice R. G. Sindhakar, Presiding Officer.

REFERENCE NO. CGIT-34 OF 1992

PARTIES :—

Employers in relation to the management of Indian Oil Corporation.

AND

Their Workmen

APPEARANCES :—

For the management.—No appearance

For the Workmen.—Shri Joglekar, Advocate

INDUSTRY : Oil & Natural Gas

STATE : Maharashtra

Bombay, dated the 10th day of February, 1994.

AWARD

The Government of India, Ministry of Labour has made the following reference to this Tribunal for adjudication under section 10(1)(d), read with section 2-A of the Industrial Disputes Act, (hereinafter referred to as the Act).

“Whether the action of the management of Indian Oil Corporation in termination the

services of Mr. J. D. Salve Sweeper w.e.f. 5-4-1990 is legal and justified? If not, what relief the workman is entitled to?"

2. Shri Salve was employed on the Establishment of Indian Oil Corporation Ltd., as Sweeper. He was employed in the year 1986 and confirmed on 11-6-1987. On 3-4-1990, at 12.30 noon, he left the office informing Mrs. Bana that he would be availing 13 days leave. That was according to him as per the practice prevailing. He could not thereafter, attend duties and the management informed him of the consequences of his act, by letter dated 12-4-1990. He was called upon to immediately resume duties and explain in writing why disciplinary action should not be taken against him. By another letter dated 18-4-1990, his attention was drawn to sub section 10.1 of section 1, which speaks of voluntary abandonment of service. He was asked to turn by immediately and if his absence without permission exceeded, necessary action would be taken against him in accordance with the provisions of section 1.10.¹ of the Certified Standing Orders. He was further informed that it was however, apart from any disciplinary action against him for unauthorised absenteeism. It was on 24-4-1990, that the management passed an order treating him to have voluntarily abandoned the Corporation's services as per clause 1.101 of the Certified Standing Orders with effect from 4-4-1990. It is this order, which is impugned.

3. The workman has filed his statement of claim contending therein that since 3-9-1990, he could not resume duties and that was because of his ill-health. He admits that the management addressed a letter dated 12-4-1990 and delivered it at his residence on 16-4-1990. According to him, during this period his mental condition was not sound and hence he was required to stay with his brother at Kurla till recovery. He was not in the physical and mental condition to give reply to the show cause notice of the management. He stated that he reported for duty on 29-6-1990 but was not allowed to do so. He sent a letter on 9-7-1990 explaining the reasons of his absence but the management did not consider the same. He has contended that before terminating his services, he was not given any chargesheet nor was any enquiry conducted giving him a fair opportunity to defend himself nor was his medical certificate and explanation considered sympathetically. His grievance is that the principles of natural justice have not been followed, and therefore, the action of the Corporation is illegal, bad in law, arbitrary. He has requested this Tribunal to set it aside and re-instate him with full back wages.

4. The management filed its reply. The first point raised is that the reference is bad in law as it is not covered by the provisions of the Industrial Disputes Act. The submission is that this is not a case of termination of services and therefore, no industrial disputes existed at any time. He made no demands on the management which the management refused to accept. According to the management, this Tribunal has no jurisdiction therefore, to adjudicate upon the dispute referred.

5. It was then contended that though he was appointed and confirmed as stated, the dates were not

given correctly and that he was appointed with effect from 16-6-1987 and was confirmed with effect from 16-6-1988. It is the case of the management that since after his confirmation, he stated remaining absent without permission or proper explanation. He remained absent for a total period of 110 days during 1989-90. He is also in the habit of leaving the work-place without permission during the working hours. Cautioning had no effect upon him.

6. It is further stated that on 3-4-1990 he left the workplace after taking Casual Leave for 1½ day, and thereafter, he did not report for work. His absence was for more than 21 days, without permission and without proper or satisfactory explanation. Under the provisions of the Certified Standing Order clause 10.1, he could have been treated as abandoned the service of the Corporation. However, on 18-4-1990, he was directed to resume duties immediately. This letter was sent back to the Company by the Postal Department with the remark "Addressee not available". In the meanwhile the workman's father by letter dated 19-4-1990 informed the Corporation that he is absconding since 3-4-1990. The management maintains that he has had no desire to resume duties.

7. In short the contention is that clause 10.1 of the Standing Order is applicable to the workman remaining absent for more than 21 days without permission and proper explanation, in view of this, there is hardly any reason for the workman to make any grievance, and it has been further stated that he has been gainfully employed during the intervening period. Prayer for rejection of the reference is made. The short point that arises for consideration is: whether the action of the Corporation in terminating the services of Shri Salve was legal and justified.

8. On behalf of the management it has been contended that this is not a case of termination, but of abandonment of services. The management's contention therefore, is that there is no industrial dispute, which could be adjudicated upon by this Tribunal. Section 2-A of the Act, is clear on this point, it reads;

"Where any employer discharges, dismisses, retrenches or otherwise terminates the services of an individual workman, any dispute or difference between that workman and his employer connected with, or arising out of, such discharge, dismissal, retrenchment or termination shall be deemed to be an industrial dispute notwithstanding that no other workman nor any union of workmen is a party to the dispute."

Therefore, by fiction of law, the present individual dispute would be deemed to be an industrial dispute, no matter whether any workmen or any Union is lending support to the claim. Punishment resulting in termination of services is what has happened in this case. The action of the management has taken away the bread and livelihood of the workman. I therefore find that there is no merit in the preliminary objection raised.

9. The management admittedly has not given him any charge sheet, not held any enquiry. The letter dated 24-4-1990 clearly says that, since you have

failed to report for duty as directed above, we are treating you to have voluntarily abandoned the Corporation's service as per clause 10.1 of the certified Standing Orders with effect from 4-4-1990, f.n. Earlier it is stated that this has reference to the management's administrative order dated 12-4-1990, and another dated 18-04-90 sent to Shri Salve, directing him to report for duty immediately. It further stated that if he failed to report immediately and explain in writing as to why disciplinary action should not be taken against him failing which his services may be terminated. The other letter dated 12-4-1990 states that he was given administrative orders on 23-10-1989, 3-8-1989, 4-1-1990, for absenting from duty, going home early without intimation, unauthorised absenteeism. It further states that even thereafter, he had unauthorisedly absented himself from duty with effect from 31-1-1990, to 18-2-1990. Then comes as the incident of 3-4-1990 and it is stated that after informing Shri Manjarekar he had taken Casual Leave for 1½ day, but he did not report to office till 12-4-1990, and did not apply for any leave. Thereafter it is seen that he had remained absent till 12-4-1990, and he was requested to report for duty immediately and explain why disciplinary action should not be taken against him, and told that failure to do which his services may be terminated. In the letter dated 18-4-1990 once again reference is made to the incident of 3-4-1990 and his absence till 18-4-1990 and his attention was invited to clause 1.10 of the Certified Standing Orders, and again he was asked to report immediately and if his absence exceeded 21 days, taking of necessary action is also conveyed. It is also mentioned at the end, that it was without prejudice to any disciplinary action that may be taken against him for his unauthorised absenteeism. It is therefore, clear that the action taken by letter dated 24-4-1990 was on account of his continued absence since 3-4-1990.

10. The contention of the workman is that, this action has been taken without following the principles of natural justice. No chargesheet was given, no enquiry was held, no opportunity to explain his absence was given and therefore, the action is unjustified. The management contends that the Certified Standing Orders provided under clause 10.1 that if a workman remained absent for more than 21 days without permission or intimation he shall be treated to have voluntarily abandoned the Corporation's services and the Competent Authority therefore, intimated him accordingly at his last known address on record. Therefore, the contention on behalf of the management is that it is an automatic result of the action of the workman. The management has not taken any action of terminating the services of the workman, but the absence for more than 21 days in the circumstances mentioned under clause 10.1 resulted in voluntary abandonment of the services.

11. In this connection, reference could be made to a decision of the Supreme Court of India, in the matter of D. K. Yadav Vs. J.M.A. Industries Ltd., reported in 1993(2) CLR. page 116. Therein, the precise question raised before the Supreme Court was: "whether the impugned action is violative of principles of natural justice."

12. The services of the appellant in that case were terminated by taking recourse to clause 13(2) (iv) of the Standing Orders applicable to the par-

ties. The allegation was that he willfully absented himself from duty continuously for more than 8 days without permission or intimation, and therefore, deemed to have left the services as per clause 13(2) (iv) of the Standing Orders, on completion of 8 continuous days of absence, the employee shall be deemed to have abandoned the services and lost his lien on the post and it rejected his appeal and therefore, he approached the Supreme Court. In that case, the Supreme Court held;

"There is force in the contention on behalf of the appellant that the definition of "retrenchment" in S.2(oo) is a comprehensive one intended to cover any action of the management to put an end to the employment of any employee for any reason whatsoever. The contention on behalf of employer that expiry of eight days' absence from duty brings about automatic loss of lien on the post and nothing more need be done by the management to pass an order terminating the service and per force termination is automatic, bears no substance. In the case of Robert D'Souza 1982 (1) SCC 645 it was held by the Supreme Court that striking off the name from the rolls for unauthorised absence from duty amounted to termination of service and absence from duty for eight consecutive days amounts to misconduct and termination of service on such grounds without complying with minimum principles of natural justice would not be justified."

It is further observed;

"It is a fundamental rule of law that no decision must be taken which will effect the right of any person without first being informed of the case and be given him/her an opportunity of putting forward his/her case. An order involving civil consequences must be made consistently with the rules of natural justice. In Mohinder Singh Gill & Anr. V. The Chief Election Commissioner & Ors. (1978) 2 SCR 272 at 308-F, the Constitution Bench held that 'civil consequence' covers infraction of not merely property or personal right but of civil liberties, material deprivations and nonpecuniary damages. In its comprehensive connotation everything that effects a citizen in his civil life inflicts a civil consequence. Black's Law Dictionary, 4th Edition, page 1487 defined civil rights are such as belong to every citizen of the State or Country..... they include rights capable of being enforced or redressed in a civil action..... in State of Orissa v. Dr. (Miss) Binapani Del and Ors. (1967) 2 SCR 625, this Court held that even an administrative order which involves civil consequences must be made consistent with the rules of natural justice. The person concerned must be informed of the case, the evidence in support thereof supplied and must be given a fair opportunity to meet the case before an adverse decision is taken. Since no such opportunity was given superannuation was in violation of principles of natural justice."

13. I have seen that here, in this case also the principles of natural justice have not been followed, and that he was not given any charge sheet, he was not given an opportunity to explain by holding an enquiry against him into the charges. All that was done by the management was to inform him by two letters dated 12-4-1990 and 18-4-1990, that he has been remaining absent without permission and he was informed of the consequences under 10.1 of the Certified Standing Orders. I must also say that in the letter dated 12-4-1990, while asking him to report immediately, he was asked to explain in writing why disciplinary action should not be taken against him, failing which his services may be terminated. By another letter dated 18-4-1990, he was told that if he did not report for duty, and if the absence exceeded 21 days necessary action will be taken against him in accordance with the provisions of the Certified Standing Orders. Therefore, his proves that, no opportunity has been given to him. The management has taken this action as a disciplinary action, and that can be seen from the records produced.

The first letter dealt with his absence on various occasions, without permission or intimation. He was also told that disciplinary action may be taken against him for unauthorised absentism. There is another letter dated 23-10-1989, therein absence for 34 days has been mentioned and he was told that such misconduct in future will be dealt with seriously, and this letter further stated that his absence has been treated as unauthorised absentism and that it is without prejudice to any disciplinary action that may be taken against him. Letter dated 4-1-1990, made mention of absence for 28 days without permission, not intimation. He was warned therein that such misconduct in future will be dealt with seriously and his absence will be treated as unauthorised, that was also without prejudice to any disciplinary action that may be taken against him, for his unauthorised absentism. This is followed by letter dated 12-4-1990, therein again reference has been made to the above letters dated 23-10-1989, 3-8-1989 and 4-1-1990. It is also indicative of the fact that the action taken by letter dated 24-4-1990, is by way of disciplinary action, against him though it has been mentioned as voluntary abandonment of services. I may refer here, to the letter dated 18-12-1991, addressed to the Asstt. Labour Commissioner by the Dy. General Manager Indian Oil Corporation wherein it has been stated that :

"We deny this and reiterate that his services have been terminated in terms of item 10.1 of the Certified Standing Orders applicable to the workmen of this Corporation."

It is not that undue emphasis has been placed upon the word "terminated" stated in this para. The correspondence to which reference has been made, does indicate that the action taken by the management is of termination of service and that has been done by way of disciplinary action, which ought to have been preceded by an opportunity to the employee to explain the charge and defend himself.

14. It is obvious that the management had not given him any chance by holding an enquiry and calling upon him to explain his case, before proceeding to take the impugned action. Reference

could be made to the letter dated 9-7-1990, addressed by Shri Salve to the management. Therein, he states the reasons for his absence. He states that he got married on 4-6-1989 and the troubles started because of his wife's obstancy. As a result of this, he was mentally disturbed, and that has resulted in his absence from duty. The management has produced the leave record of Shri Salve. He was employed according to the management in June 1987. In the year 1987 he has availed of only Casual Leave of 6 days. In the year 1988 again he has availed of only 5 days Sick Leave. In 1989 he took Earned Leave for 3 days from 28-6-1989 to 30-6-1989, and thereafter he took Sick Leave from 5-7-1989 to 20-7-1989. In that year he availed leave without pay for a total period 105 days. The total period of Earned Leave is mentioned and that is 12 days. Sick Leave is for a total number of 16 days. Again in 1990, he had taken Casual Leave, Sick Leave and leave without pay. Therefore, it will be seen that there is substance. In his contention that he was required to take leave because of his mentally disturbed condition. If one reads the letter dated 5-7-1990, he has given the caus for that disturbed state of mind and one can be convinced that if one has to face such a situation, it would not be possible for him to attend to the work and concentrate on it. It is mentioned that there was no justification, but, it is to be noted that prejudice has been caused to the workman by not following the principles of natural justice and not giving him an opportunity to show cause, has resulted in denial of justice. It may be that the management would have come to the same conclusion that he deserved to be dismissed, but then, there would have been no complaint, that the dismissal order was passed without following principles of natural justice.

15. In para 12 of the decision of the Supreme Court (Supra) it has been observed :

"Therefore, fair play in action requires that the procedure adopted must be just, fair and reasonable. The manner of exercise of the power and its impact on the rights of the person affected would be in conformity with the principles of natural justice. Art. 21 clubs life with liberty, dignity of person with means of livelihood without which the glorious content of dignity of person would be reduced to animal existence. When it is interpreted that the colour and content of procedure established by law must be in conformity with the minimum fairness and processual justice, it would relieve legislative callousness despising opportunity of being heard and fair opportunities of defence. Art 14 has a pervasive processual potency and versatile quality, equalitarian in its soul and allergic to discriminatory dictates. Equally in antithesis of arbitrariness. If is, thereby, conclusively held by this Court that the principles of natural justice are part of Art. 14 and the procedure prescribed by law must be just, fair and reasonable."

16. It is therefore, clear that the impugned order is required to be set aside and the workman required to be reinstated in services. As a consequence, he will also be entitled to full back wages.

A bald statement is made that he was gainfully employed since after abandonment of the services. However, there is no material in support of that statement. Moreover, what the workman himself in para 8 of his statement of claim has stated is that he tried for an alternative employment, and since he did not get any, remained unemployed.

17. In para 14, of the written statement, the management has stated that if this Court came to the conclusion that this is not a case of voluntary abandonment, the Corporation may be given an opportunity to justify its order dated 24-4-1990. In this connection, reference could be made to a decision of the Bombay High Court in the case between Wai Taluka Sahakari Kherel Vikri Santh Ltd., Satara Vs. Bhajirao Mahadeo Mahadik (1992 1 CLR 637). Therein, it is found that permission was given by the Labour Court, but the High Court disapproved of it. There was no charge sheet served much less explanation sought for the alleged misconduct. In this case also, there is no charge sheet given to Shri Salve, and it would not be permissible in a case like this, to provide an opportunity to the management to prove that Shri Salve was guilty of the charges. In the circumstances, that argument is to be rejected.

He is reinstated in service with full back wages. Award is accordingly made, and reference is disposed off.

R. G. SINDHAKAR, Presiding Officer

नई दिल्ली, 21 मार्च, 1994

का.प्रा. 923.—श्रीधोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, उसे दिनांक 18-3-94 को प्राप्त एवं इंडिया प्रबंधन के संबंध में उनके कर्मकारों और नियोक्ताओं के बीच हुए श्रीधोगिक विवाद के संबंध में अनुबंध में यथोक्त केन्द्रीय सरकार श्रीधोगिक अधिकरण एवं न्यायालय बम्बई नं. 1 के पंचाट को प्रकाशित करती है।

[सं. एल-11012/16/91-आईआर (विविध)]
बी. एम. डेविड, डैस्क अधिकारी

New Delhi, the 21st March, 1994

S.O. 923.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby published the award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Bombay as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Air India and their workmen, which was received by the Central Government on 18-3-1994.

[No. L-11012/16/91-IR (Misc.)]
B. M. DAVID, Desk Officer.

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL, BOMBAY

PRESENT :

Shri Justice R. G. Sindhakar, Presiding Officer.
Reference No. CGIT-6 of 1992

PARTIES :

Employers in relation to the management of
Air Corporation Employees' Union

AND

Their workmen.

APPEARANCES :

For the Management.—Mr. Bharucha, Advocate.

For the Workmen.—Ms. Nilima Dutta, Advocate.

INDUSTRY : Airlines STATE : Maharashtra
Bombay, dated the 21st day of February, 1994

AWARD

The Government of India, Ministry of Labour, New Delhi as by letter dated 28-1-1992 made the following reference to this Tribunal under Section 10(1)(d) read with sub-section 2(A) of the Industrial Disputes Act, 1947 for adjudication.

"Whether the action of the management of Air India in terminating the services of Mr. Moti Singh, Loader, Ground Services Deptt. vide order No. GS/06-01/3644 dated 13-3-1986 is legal and justified? If not, what relief the workman is entitled to?"

2. Shri Moti Singh was appointed as a Loader on the establishment of Air India on 22-11-1978 and confirmed on 1-6-1979. On 17-6-1985 he was posted on Air terminal in IIIrd shift. In the early hours on 18-6-1985 around 5.30 a.m. he was noticed passing in a suspicious manner through the Taxi Gate (Police Gate) by Mr. C. P. George, Jr. Security Assistant. Mr. George stopped him and on physical search found two sarees (one concealed at his waist and the other tied around his right leg) and a film roll. He was taken thereafter by Mr. George to IPT Security Section where Mr. R. G. Kokle, Security Officer recorded necessary statements and took charge of the articles under a Panchnama. During the course of interrogation it was revealed that while Shri Moti Singh while attending the cargo hold of Gulf flight on its arrival, parked on Bay No. 44, removed these articles, namely, two sarees, one film roll from the passenger's baggage and these facts, he admitted in his statement recorded soon after.

3. Since this amounted to mis-conduct under Air India Employees' Service Regulations, he was charged with "theft of the property entrusted to the Corporation" and called upon to submit explanation. He replied to it but the Disciplinary Authority directed an enquiry and constituted a committee. The committee held proceedings and thereafter concluded that the charge was proved. The Disciplinary Authority on the basis of the report and after considering the

relevant material, passed an order of removal from services and it is, this order that is challenged and the point that has been raised before this Tribunal, is whether the said action of the management terminating the services is legal and justified. Statement of claim and written statement thereto have been filed and the management has produced the relevant papers of enquiry.

4. The learned counsel appearing on behalf of Shri Moti Singh raised three neat questions for consideration on behalf of the client. They are : (i) Perversity of findings of Enquiry Officer, (ii) Wrong application of Air India Regulations, (iii) Severity of punishment. She was fair enough not to raise any point about fairness of the domestic enquiry.

5. The fact that he was apprehended in the early hours of 18-6-1985, while he was on duty in the IIIrd shift is not disputed. Mr. George on behalf of the management was examined in the enquiry proceedings and he proved his statement made to the Security Manager on 17th June, 1985. It is stated that at 5.30 hours he noticed, one person in a suspicious manner walking out of Taxi Gate and he stopped him and physical search revealed two sarees and one film roll. He further stated therein that the person was Shri Moti Singh, Loader, Staff No. 6616. He also stated that another person was caught in Andheri Bus at 06.05 hours, he was also an employee of Air India, Junior Operator, Staff No. 295515. Both of them were interrogated. Mr. George states that Shri Moti Singh gave a confessional statement admitting removal of the articles from the passenger baggage in a Gulf Air Flight. It is further admitted by him in the statement that the articles were seized under Panchanama and that the two persons including Shri Moti Singh were produced before the authority.

6. Mr. George in his letter to the Security Manager stated that he noticed, an Air India employee wearing an orange colour uniform passing through the gate in a suspicious manner and stopped him and physical check revealed one saree concealed in his waist and further check noticed another saree tied around his right leg and a film roll in his right side trouser pocket. He stated thereafter that he produced statement and Panchas of Shri Moti Singh before the Security Officer.

7. Mr. George was examining before the Enquiry Committee and he was cross-examined on behalf of the workman. Suggestions have been made to him that there was one more person passing through the gate at the time Shri Singh passed through it and was apprehended and it is that person who was carrying these articles and since that person escaped while Shri Singh was being searched these articles have been foisted on Shri Singh. This suggestion has been denied by Mr. George. Mr. George also stated that the other person obstructed alongwith Shri Singh was not in possession of any pilfered items and therefore, allowed to go. He has in the course of cross-examination, stated that he had confessed his guilt and it is on that basis and the findings of the articles from his waist he claims that the items were stolen from Gulf Air Flight hold.

8. Shri Kokle, Security Officer also gave his evidence and stated that Shri Singh was brought before him and property was recovered from him under Panchanama. He fully corroborated Mr. George's version and nothing has been elicited from him in the cross-examination that would go to discredit him.

9. It was urged by the learned counsel for the workman that in fact there was one more person apprehended and produced and was also found in possession of some pilfered articles and Shri Singh is made a scapegoat. I am unable to accept this submission. From this I find that the Enquiry Committee had before it this material on the basis of which it concluded that Shri Singh was in possession of articles and that he confessed that they were stolen by him from the baggage of a passenger who travelled by Gulf Air Flight. I do not find how it could be urged that the findings reached by the Enquiry Committee are perverse.

10. The learned counsel appearing on behalf of the management relied upon a decision of the Supreme Court reported in judgement JT 1994 (i) S.C. 217 in the case of State Bank of India and others Vs. Samarendra Kishore Endow and another. And there the point urged was that the findings of the Enquiry Officer and the Disciplinary Authority were violated. The Supreme Court observed that the findings recorded by the Enquiry Officer were not based on "no evidence" and if that be so, it proceeded to hold that the interference was not justified. In this case before me also there was evidence and the material which consisted of the seizure of articles from Shri Moti Singh and his own confession and the same was found sufficient by the Enquiry Committee to base a finding against Shri Moti Singh. He was given an opportunity to defend himself, cross-examine witnesses, adduce material in support of his defence and after all this the Enquiry Committee held against the delinquent Shri Moti Singh. The findings could not be styled as perverse. I am only mentioning before rejecting the contention of the learned counsel for the workman that the evidence given by Mr. George about the findings of these articles on the person of Shri Moti Singh is highly improbable and unbelievable. I am not inclined to accept this submission.

11. The learned counsel then urged that the management dealt with this case under Air India Employees' Service Regulation and in fact should have dealt with the case under Industrial Employees' Standing Orders Act, 1946. For this she relied upon a decision of Delhi High Court Civil Writ No. 637 of 1988, date of decision 27th August, 1990, Air India Versus Union of India and others. It was submitted on behalf of the management by Mr. Bharucha, that the decision is appealed against and rendered in 1990 while the management's action is of the year 1986 when there was no controversy on the point whether the employees were governed by Air India Employees' Service Regulations or not. It is further submitted that it is only at the stage of filing statement of claim that the plea is raised for the first time. Apart from all this I am unable to accept this submission made on behalf of the workman that prejudice has been

caused as a result of the application of Air India Employees' Service Regulations in this particular case.

12. So far as the regulations are concerned they deal with 'mis-conduct' in Regulations No. 42 and relevant misconduct is Item No. IV, "Theft, fraud or dishonesty in connection with the business or property of the Corporation, or of the property entrusted to the Corporation or of another employee within the premises of the Corporation". So far as the Industrial Employees' Standing Order, 1946 is concerned, misconduct is covered by Order 24, clause (d) "theft, fraud or dishonesty in connection with the employers' business or property or the theft of property of another workman within the premises of the establishment". There is no difference whatsoever in the phraseology used in both of them. The fact on which he was chargesheeted clearly covered the case under both and therefore, on this point I see that no prejudice is caused to the workman by application of regulations.

13. It was then urged on behalf of the workman that the procedure that was required to be followed has not been followed and for that reference to 25 of Model Standing Orders is made. Here proceedings have been conducted in English and the friend who appeared for him knew English. He did not express his preference for conducting the proceedings in any other language such as Hindi or Marathi which he could have done under 25 (4). Under the circumstances, this argument also fails. Then reference is made to clause 6 of 25 and it is stated that while awarding punishment under the Standing Order the management had to take into account not only the gravity of mis-conduct but previous record if any of the workman and any other extenuating or aggravating circumstances that may exist. In this case, she urged that previous record has not been considered and her submission was that he had a clean record. In this connection I may mention that the management while passing the order has taken into consideration the gravity of the misconduct and it has been observed that in view of that extreme punishment of dismissal from services was warranted. However, his young age was considered and lesser punishment of removal from services has been awarded. It has been also stated that "considering the fact of his young age, I have decided to award him a lesser punishment of 'removal from service' as provided under Regulation 45(g) of the Air-India Employees' Service Regulations from the date of communication of this order in him". Therefore, the Disciplinary Authority has taken into consideration the relevant factors contemplated by the relevant clause of the Model Standing Orders while awarding punishment. It is also to be noted that the Disciplinary Authority was expected to take these very factors into consideration even under the Air India Service Regulations. Schedule II, clause 15, mentioned "in awarding punishment, the Competent Authority shall take into consideration the extent and gravity of the mis-conduct, previous service record of the person charged and any extenuating or aggravating circumstances of the case". Therefore, there is no difference whatsoever in this provision under the Service Regulations and clause 6 of Standing Orders.

14. It was urged that the previous record was not taken into account. I find that the Disciplinary Authority has taken into account these aspects because it is observed "I find that Mr. Moti Singh has committed the above mentioned serious act of 'misconduct' within a span of seven years of his service affecting the good image of the Corporation". It is obvious therefrom that the Disciplinary Authority was alive to this otherwise clean record of the delinquent Shri Singh during the course of his service of seven years.

15. It was concluded that if the Model Standing Orders had been applied the delinquent would have been entitled to be represented by an office-bearer of a trade union of which he was a member, and this opportunity he was not afforded. Reference is made in that connection to Order 25(4). The relevant portion reads thus "He shall be permitted to appear himself for defending him or shall be permitted to be defended by a workman working in the same department as himself by any office-bearer of a trade union of which he is a member. So far as the relevant provisions and service regulations is concerned clause 7 of Schedule II (relevant portion) reads thus "He should be also informed that at such enquiry he shall be entitled to be defended by an employee of the department in which he works, except in the case of out stations where he may be defended by any employee of the Corporation employed at that outstation." Therefore, there is an obligation cast under regulations to inform him of his right while no such obligation is cast under Model Standing Orders. All that is stated is that he shall be permitted to be defended by a workman working in the same department as himself or by any office-bearer of trade union of which he is a member. If he wanted to be represented by any office-bearer of a trade union he could have said so at the time when the enquiry commenced but record shows that he informed the committee that he intended to engage Mr. Chopdekar, Progress Clerk to defend his case and asked for 15 days since Mr. Chopdekar was on leave. Accordingly the matter was adjourned and Shri Singh was requested to appear alongwith Mr. Chopdekar at the time of his next hearing. Mr. Chopdekar did appear and defended Shri Singh. Therefore, it cannot be said that there has been a violation of clause 4 of 25 of the Standing Order.

16. It was then urged by Ms. Nilima Dutta on behalf of the workman, that he should have been made aware of his right to take assistance even of an office-bearer of trade union and that not having been done resulted in prejudice. I have carefully considered this argument advanced on behalf of the workman and I find that no prejudice appears to have been caused to the workman on this count. Mr. Chopdekar has cross-examined witnesses and has raised at the appropriate stages objections and assisted Shri Singh in defending himself. I have also stated that the Model Standing Orders do not envisage that he has to be so informed of this right. Casting an obligations upon the Disciplinary Authority to do so.

17. It was lastly urged that the penalty imposed is harsh. Mr. Bharucha, on behalf of Air India sub-

mitted that the penalty imposed is proportionate to the gravity of the offence. He has taken out two sarees and film roll from passenger baggage and such an act on the part of an employee cannot be lightly dealt with. He further submitted that in such a case, the matter has to be remitted to the Appellate Authority to impose appropriate punishment and it would not be open to the Tribunal to reduce it. In support he relied upon a decision in the case of State Bank of India and others Vs. Samarendra Kishore Endow and another reported in JT 1994 (1) S.C. 217. That was a case where jurisdiction of High Court under article 226 was being examined. The case before me, is one under the Industrial Disputes Act and section 11(A) clearly empowers this Tribunal to set aside the order of discharge or dismissal if it is satisfied that the same was not justified and if thought fit give such relief including the award of lesser punishment in lieu of discharge or dismissal as the circumstances of the case may require.

18. The point however, is whether the penalty deserve, to be altered and reduced.

19. On behalf of the workman Ms. Nilima Dutta relied upon a decision of Bombay High Court and also upon a decision of Madras High Court. In the case between management of M/s. P.Orr and Sons (P) Ltd. and the Presiding Officer, Labour Court, Madras and another—L.L.J.—1974 page 517—Labour Court had set aside the dismissal of the employees for misconduct on the ground that it was harsh and shockingly disproportionate and had ordered re-instatement with half back wages. It was held that the Labour Court has not committed any error of law of jurisdiction. One of the charges was of theft of an empty oil tin worth 30 paise and respondent had a continuous record of 24 years service with no warning or any back mark.

20. In another decision of the Bombay High Court 1992 II CLR 117—in the case of Ganikhan Vs. Maharashtra State Road Transport Corporation, dismissal for theft of five liters of diesel value of which was less than Rs. 10 was found to be disproportionate and re-instatement with 25 per cent of the back wages was granted. In the third decision the National Textile Corporation (Maharashtra North) Ltd. Vs. Gurunath Vithal Tamase and Ors. reported in 1992 II CLR 385—dismissal on misconduct of committing theft of Tiopal worth Re. 1 was held to be shockingly disproportionate and reinstatement with full back wages was awarded, and it was found that not even minor punishment was required in view of the fact that the employee was kept out of employment for nearly 20 years and that he was made to suffer the torture, agony and hardship of litigation after litigation during this period.

21. With respect the facts are distinct. So far as the present case before me is concerned it has to be noted that the employee had taken away on his own admission two sarees and one film roll from the baggage of a passenger and tried to take them out by concealing them cleverly. Such incidents are on the increase and it surely affects the reputation of the employers. In the circumstances considering the gravity of the charge, I do not think it could be said

that the penalty is shockingly disproportionate and the management's discretion to award suitable penalty is required to be interfered with. The punishment should be deterrent enough for other employees also. The final appeal also therefore, made on behalf of the workman is not acceptable.

Award accordingly.

R. G. SINDHAKAR, Presiding Officer

नई दिल्ली, 18 मार्च, 1994

का.आ. 924—श्रीद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एस सी सी पैन के प्रबंधतात्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रीद्योगिक विवाद में केन्द्रीय सरकार श्रीद्योगिक अधिकरण, हैदराबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-3-94 को प्राप्त हुआ था।

[एल-22012/149/89-ग्राउंड आर सी -II]

राजा लाल, ईस्क अधिकारी

New Delhi, the 18th March, 1994

S.O. 924.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of S.C.C. Ltd. and their workmen, which was received by the Central Government on 17-3-1994.

[No. L-22012/149/89-IRC II]

RAJA LAL, Desk Officer

BEFORE THE INDUSTRIAL TRIBUNAL AT HYDERABAD

PRESENT :

Shri Y. Venkatachalam, M.A., B.L., Industrial Tribunal-I.

Dated : 22nd day of February, 1994

Industrial Dispute No. 86 of 1992

BETWEEN

The Vice President, A.P.C.M. Sangh (INTUC),
P. O. Bellampalli, Dist. Adilabad.

—Petitioner.

AND

The General Manager, M/s. S.C. Co. Ltd.,
Mandamarri P. O. Kalyanikhani, Dist.
Adilabad. A.P. —Respondent.

APPEARANCES :

M/s. K. Srinivasa Murthy and G. Sudha, Advocates for the Respondent.

None for the Petitioner.

AWARD

The Government of India, Ministry of Labour by its Order No. L-22012/149/89-IR(C.II) dt. 10-12-92 referred the following dispute under Section 10(1) (d) (2A) of the Industrial Disputes Act, 1947 between the Management of M/s. Singareni Collieries Company Limited, Mandamarri and their workmen to this Tribunal for adjudication :

“Whether the action of the Management of M/s. S.C.C. Ltd., Mandamarri area in terminating the services of Sri V. Chandriah Special Grade Clerk with effect from 1-6-1987 is justified ? If not, to what relief the workman is entitled to ?”

This reference was registered as Industrial Dispute No. 86 of 1992 and notices were served to both the parties.

2. As seen from the docket sheet, notice dated 23-1-1993 was served on the petitioner workman for filing claim statement. Time was extended from day to day till 20-8-1993. No claims statement and Vakalat filed by the Petitioner on 20-8-1993 and posted for counter to 10-9-1993. On 10-9-1993 no counter was filed, for enquiry posted to 15-11-1993. By 10-2-1994 no claims statement, no counter, no enquiry were held. For Award posted to 22-2-1994.

3. It is seen that as per the docket sheet the Petitioner was given opportunity to file their claim statement to prosecute the case. Even opportunity was given to the Respondent-Management to file their counter. None of the parties have initiated the dispute. Hence I find that there is no reason for this Tribunal to adjourn the case further since none of the parties came forward to prosecute this case, inspite of several adjournments. Hence the reference is terminated.

In the result, the reference is terminated

Typed to my dictation, given under my hand and the seal of this Tribunal, this the 22nd day of February, 1994.

Y. VENKATACHALAM, Industrial Tribunal-I

Appendix of Evidence

NIL

Y. VENKATACHALAM, Industrial Tribunal-I

नई दिल्ली, 18 मार्च, 1994

का. आ. 925.—आंदोलिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एस सी सी एल के प्रबंधन के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुशंश में विनिर्दिष्ट आंदोलिक विवाद में केन्द्रीय सरकार आंदोलिक अधिकरण, हैदराबाद के पञ्चपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-3-94 को प्राप्त हुआ था।

[एल-420122/196/87 डी. II (बी) आई आर सी-II]

राजा याल, डैस्ट्रिक्ट अधिकारी

New Delhi, the 18th March, 1994

S.O. 925.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of SCC Ltd., and their workmen, which was received by the Central Government on 17-3-94.

[No. L-42012/196/87 DI(B) IRC-II]

RAJA LAL, Desk Officer

BEFORE THE INDUSTRIAL TRIBUNAL AT HYDERABAD

PRESENT :

Sri Y. Venkatachalam, M.A., B.L., Industrial Tribunal-I.

Dated : 21st day of February, 1994

INDUSTRIAL DISPUTE NO. 71 of 1992

BETWEEN :

V. Satyanarayana—Petitioner.

AND

1. The Senior Regional Manager, F. C. I., Hyderabad.
2. The District Manager, Food Corporation of India, Kurnool—Respondents.

APPEARANCES :

M/s. G. Bikshapathi, G. Vidyasagar, V. Vishwanathan, N. Vinesh Raj and G. Ravi Mohan, Advocates for the Petitioner.

Sri Koka Satyanarayana Rao, Advocate for the Respondent No. 2.

AWARD

The Government of India, Ministry of Labour, by its Order No. L-42012(196)87-II(B)IR(C. II), dt. 8-10-1992 referred the following dispute under Section 10(1)(d)(2A) of the Industrial Disputes Act, 1947 between the management of Food Corporation of India, Kurnool and their workmen to this Tribunal for adjudication :

“Whether the action of the management of Food Corporation of India in terminating the services of Sri V. Satyanarayana, Ex-Watchman in 1976 is justified ? If not, to what relief the workman concerned is entitled to ?”

This reference is registered as Industrial Dispute No. 71 of 1992 and notices were served on both sides.

2. The brief facts of the claim statement filed by the Petitioner-Workman read as follows : It is respectfully submitted that the Petitioner was appointed as Watchman on daily wage basis. The Food Corporation of India is engaged in procurement of paddy. During the years 1973 to 1977, there was

heavy procurement programme consequent to the bumper crops in Andhra Pradesh. However, the recruitment in all categories of posts of Watchmen, Sweepers, Assistant (Depot) etc. was done on daily rated basis. Having realised that the appointing of employees on daily rated basis is not proper, Food Corporation of India has issued instructions to regularise the services of the daily rated workman from 8-1-1976 onwards. In respect of employees who were terminated from service, an amendment was introduced to the Food Corporation of India Employees Service Regulations in 1976 to the effect that the employees who were recruited on daily rated basis should also be considered for appointment against direct recruitment along with the candidates sponsored by the Employment Exchange. The relevant Gazette Notification is extracted below :

“Provided further such of the employees who were recruited on daily rate basis for periods of less than 3 months on purely temporary basis and whose services have been retained after allowing periodical breaks shall also be eligible to be considered for appointment against the direct recruitment along with candidates sponsored by Employment Exchange.”

It is submitted that the Petitioner worked as Watchmen from 29-12-1975 to 24-12-1976 in Ananthapur, Timmacherla, Tadpatri, Cuddapah Depots and his services were disengaged from 24-12-1976, without any notice or any valid reasons. Even since the disengagement, the petitioner has been making representations personally for regular appointment in pursuance of the amendments as stated supra. But there was no response. It is submitted that the impugned order of disengagement is illegal and arbitrary. The petitioner made several representations but the management have not considered the same. The alleged action is also violative of Section 25-H of the I. D. Act. The Respondents have not maintained the seniority list and has not followed the procedure for retrenchment under Section 25-G of the I. D. Act. It is therefore prayed that the Hon’ble Court may be pleased to hold that the disengagement of the petitioner w.e.f. 24-12-1976 as illegal, arbitrary and unwarranted and consequently pass an Award directing the Respondents to reinstate the petitioner into service with all consequential benefits and pass orders as this Hon’ble Court deems fit and proper.

3 The brief facts of the counter filed by the Respondent read as follows :—The Petitioner was engaged during the period from 29-12-1975 to 24-12-1976 at various places for 153 days. The Petitioner could not be engaged after 24-12-1976 due to closure of hired godowns. The petitioner did not raise any dispute for the alleged non-engagement of the services of the petitioner at any time. The petitioner is only engaged on daily wage basis depending on exigency of work. The question of applicability of Section 25(F) of the I. D. Act does not arise. It is submitted that due to dehiring of all godowns the petitioner and other similarly placed persons could not be engaged due to lack of work. The Respondent has not violated any procedure or

law in respect of terminating the petitioner’s services. There is already surplus labour as such the question of reinstating the petitioner into service after lapse of 17 longs years does not arise. The Respondent has not violated any provision of law or contract as such the petitioner is not entitled any relief from this Hon’ble Court. In view of what has been stated above the Respondent herein prays that this Hon’ble Court may be pleased to declare that the reference made is not an industrial dispute and that the petitioner is not entitled to any relief, consequently a Nil award may be passed in the case.

4. The point for adjudication is whether the action of the management of Food Corporation of India in terminating the services of Sri V. Satyanarayana, is justified ?

5. M. W1 was examined on behalf of the Respondent-Corporation and no documents were marked. No oral or documentary evidence has been adduced on behalf of the Petitioner-workman.

6. M. W1 is S. Vidya Sagar. He deposed that he is presently working as Assistant Manager in Food Corporation of India, Kurnool. He knows the case of this I. D. During 1975-76 at Kurnool which comprises of 3 districts, Cuddapah, Ananthapur and Kurnool, the Corporation hired godowns for storing of food grains. The petitioner was engaged as daily rated Watchman on casual basis during the period 29-12-1975 to 24-12-1976. He was engaged for 153 days during that period. The Corporation closed the hired godowns and disengaged the petitioner and other daily rated watchman. He was not entitled to any notice or retrenchment compensation. The petitioner did not raise dispute for employment till 1989. The Petitioner is not entitled for any relief.

7. The case of the Petitioner-workman that he was appointed as Watchman on daily wage basis, the petitioner workman worked as Watchman from 29-12-1975 to 24-12-1976 in Ananthapur, Timmacherla, Tadpatri, Cuddapah Depot and his services were disengaged from 24-12-1976 without any notice or any valid reasons, and that the impugned order of disengagement is illegal and arbitrary. The contention of the Petitioner-workman that having realised that the appointing of employee on daily rate basis is not proper, the Food Corporation of India has issued instructions to regularise the services of the daily rated workmen from 8-1-1976 onwards in respect of employees who were terminated from service. An amendment was introduced to the Food Corporation of India Employees Service Regulations in 1976 to the effect that the employees who were recruited on daily rated basis should also be considered for appointment against direct recruitment along with the candidates sponsored by the Employment Exchange. The contention of the Respondent Corporation on the other hand is that the Petitioner-workmen worked as daily rated watchman and that he never put in 240 days of service in a year as such the applicability of the provisions of the I. D. Act does not arise and that the action of the Respondent in violation of Section 25(H) of the I. D. Act is not true and correct.

8. In this case the Petitioner-workman relies upon the instructions issued by the Food Corporation of

India in regard to regularising the services of the daily rated workmen from 8-1-1976 onwards, who were terminated from service and that an amendment was introduced to the Food Corporation of India Employees Service Regulations in 1976 to the effect that the employees who were recruited on daily rated basis should be considered for appointment against direct recruitment along with the candidates sponsored by the Employment Exchange. For this the Petitioner workman extracted the relevant portion of the Gazette Notification as follows :

"Provided further such of the employees who were recruited on daily rate basis for periods of less than 3 months on purely temporary basis and whose services have been retained after allowing periodical breaks shall also be eligible to be considered for appointment against the direct recruitment along with candidates sponsored by Employment Exchange."

As per the above extracted Notification, this Tribunal has to see whether the Petitioner workman recruited on daily rate basis for periods of less than 3 months on purely temporary basis and whose services have been retained after allowing periodical breaks. Here the Petitioner-workman worked as Watchman from 29-12-1975 to 24-12-1976 in Ananthapur, Timmancharla, Tadpatri, Cuddapah, depots. Evidently the Petitioner workman is eligible to be considered for appointment against the direct recruitment along with candidates sponsored by the Employment Exchange. I find that there is some merits in the contention of the Petitioner-workman. It is seen that the Petitioner-workman was in service when the Gazette Notification was issued by the Food Corporation of India. So considering all the facts and circumstances of the case, I find that the order of disengagement is illegal and arbitrary.

9. In the result, the action of the Management of Food Corporation of India, in terminating the services of Sri V. Satyanarayana, Ex-Watchman in 1976 is not justified. The Petitioner-workman Sri V. Satyanarayana is liable to be reinstated into service with all consequential attendant benefits.

Award passed accordingly.

Typed to my dictation, given under my hand and the seal of this Tribunal, this the 21st day of February, 1994.

Y. VENKATACHALAM,
Presiding Officer

Appendix of Evidence

Witnesses Examined
for the Petitioner :
NIL

Documents marked for the Petitioner :

NIL

Documents marked for the Respondent :

NIL

नई दिल्ली, 18 मार्च, 1994

का.आ. 926 — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एस.सो. सी एल के प्रबंधनसंघ के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार का 17-3-94 को प्राप्त हुआ था।

[एल-24012/167/88 दो IV (बी)]

राजा लाल, डैस्क अधिकारी

New Delhi, the 18th March, 1994

S.O. 926.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of S.C.C. Ltd. and their workmen, which was received by the Central Government on 17-3-1994.

[No. L-24012/167/88 DIV(B)]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL AT HYDERABAD

PRESENT :

Sri Y. Venkatachalam, M.A.B.L.,
Industrial Tribunal-I.

Dated : 28th day of February, 1994

INDUSTRIAL DISPUTE NO. 33 OF 1989 BETWEEN

The Workmen of S.C. Co. Ltd.,
Area-I, Ramagundam Division,
P.O. Godavarikhani,
Dist. Karimnagar — Petitioner

AND

The Management of S.C. Co. Ltd.,
Area-I, Ramagundam Division
P.O. Godavarikhani,
Dist. Karimnagar — Respondent

APPEARANCES :

M/s. A. K. Jayaprakash Rao, V. Narsimha Goud and Ch. Laxminarayana, Advocates for the Petitioner.

M/s. K. Srinivasa Murthy, G. Sudha, Advocates for the Respondent.

AWARD

The Government of India, Ministry of Labour, by its Order No. L-24012(167)/88-D. IV. B, dated 27-4-1989 referred the following dispute under Section 10(1)(d)(2A) of the Industrial Disputes Act, 1947

between the Management of Singareni Collieries Company Limited, Area-I, Ramagundam Division and their workmen to this Tribunal for adjudication.

"Whether the action of the management of M/s. Singareni Collieries Co. Ltd., Area-I, Ramagundam Division P.O. Godavarikhani, Distt. Karimnagar (AP) in awarding the punishment of dismissal from service w.e.f. 16-5-1985 to Sri Md. Hussain, Tyndal, Area Workshop, Godavarikhani, is justified? If not, to what relief the workman concerned is entitled?"

This reference is registered as Industrial Dispute No. 33 of 1989 and notices were issued to both the parties.

2. The brief facts of the claim statement filed by the Petitioner Union read as follows :

The Petitioner submits that Sri Md. Hussain joined the service of the Respondent as Mazdoor in the year 1977 till he was illegally dismissed by the Respondent by an order dt. 16-5-1985. The petitioner submits that he was not served with any charge sheet nor his explanation was called for passing the dismissal orders by the Respondent. The respondent has also not conducted any enquiry before passing the dismissal orders. That even the order of dismissal has not served on the petitioner immediately after it was passed but a copy of the dismissal order was served on the petitioner only after the industrial dispute was referred for adjudication by this Hon'ble Court. The petitioner submits that he has applied for leave and the Respondent has not informed to the petitioner whether his leave was granted or not. The petitioner submits the management has sent a letter dt. 27-9-1984 for which the petitioner has sent a reply asking the Respondent to provide Ambulance Van so as to enable him to be admitted in the Respondent's Hospital. The petitioner submits that he was illegally dismissed from service and not the petitioner is working as Badli Filler from 30-7-1989. The Petitioner submits the Respondent has imposed the maximum punishment of dismissal from service without taking into consideration the past conduct of the petitioner and therefore the orders of dismissal passed by the Respondent is illegal and invalid and the petitioner is entitled to the post of Tyndal, which he was holding before his dismissal. The petitioner submits that in any event the Respondent is not justified in imposing the maximum punishment of dismissal from service. The orders of dismissal passed by the Respondent is illegal and invalid. The petitioner prays that this Hon'ble Court may be pleased to declare that the orders of dismissal passed by the Respondent dismissing the petitioner from service w.e.f. 16-5-1985 as illegal, unjust contrary to law and grant the relief of reinstatement into the service with continuity of service, full back wages and other attendant benefits.

3. The brief facts of the counter filed by the Respondent read as follows :—It is true that this petitioner has initially joined in the Respondent as Mazdoor in the year 1977. But the allegation that he has put in an unblemished record of service till he was dismissed by the Respondent on 16-5-1985 is not correct. The workman in dispute Sri Md. Hussain was working as Tyndal at Area Workshop, Godavarikhani. He was granted leave on loss of pay from 21-1-1984 to 25-1-1984 and in normal course after expiry of the leave period, the workman in dispute is supposed to attend the duty. But instead of attending duty he sent a telegram from his native place requesting for sanction of sick leave. Though no sick leave application was sent by him, on humanitarian grounds the management had sanctioned sick leave from 1-2-1984 to 31-8-1984. On 27-8-1984 the Sr. Divisional Engineer, Area Workshop, Godavarikhani received another telegram 'Sick Report' After the said telegram the workman in dispute has not chosen to submit any leave letter nor submitted any application for leave for a particular number of days to be sanctioned. After waiting nearly for a month the Sr. Divisional Engineer, Workshop Godavarikhani wrote a letter by Registered post with Ack. Due to the workman in dispute on 27-9-1984 advising him to report for duty or to report sick in Company's hospital for necessary treatment. Sri Mohd. Hussain acknowledged receipt of this letter on 5-10-1984 at his native place. Even after receiving the letter dt. 27-9-1984 he continued to remain absent and failed to report either to duty or to hospital nor sent any letter. As such issued charge sheet dt. 27-2-1985 under Company's Standing Order 16(16) for continuous absenteeism for more than 10 days from 1-9-1984 and sent the same to his native place address and a copy of it was displayed in the notice board of the Area Workshop, Godavarikhani. The Workman in dispute was set ex parte and an enquiry was conducted and even for the enquiry Sri Md. Hussain has not turned up and the enquiry was conducted on 1-4-1985. The Enquiry Officer is left with no other alternative than to conduct the enquiry and submit his report. As such, the allegation that no enquiry was conducted before passing the dismissal order is not correct. It is submitted the workman in dispute with an ulterior motive made a false allegation that charge sheet was not served on him. The workman in dispute was aware of the order passed and he received his gratuity also. Sri Md. Hussain requested the management to give a copy of the order which will enable him to receive gratuity and other benefits. The workman in dispute has not given his address for correspondence nor gave any change of address. Keeping in view the service record and permanent address given in the said service particulars management had sent a letter as well as charge sheet. As stated earlier the charge sheet was returned unserved with postal endorsement "party out of station. Hence returned to sender". The allegation that the workman in dispute sent a reply on 27-9-1984 asking for an ambulance to admit himself in the hospital is totally false. No such letter has been received nor does he requested for an ambulance. As a gesture of good-will the management agreed to review those cases and the workman in dispute is also one of those cases. In terms of settlement he was given a badli filler post and re-employment is under trial basis for a period of 12 months and if during this period they do not show

satisfactory attendance (190/240 days) or performance, their services will be terminated. Thus Sri Md Hussain's case was also reviewed and a badli-filler work was given to him. In view of the Settlement and re-employment of the workman in dispute, the petitioner Union is estopped from re-agitating the issue for employment basing on the dismissal order. It is well settled principle of law that whenever a dismissal order is passed and when the employee approaches and the said case was reviewed the reviewing authority's order is the final order and binding on the employee. It is further submitted the Settlement entered with the Union is binding on the employee and the Unions and the Unions have no right to raise an industrial dispute with regard to the terms covered under the Settlement. It may be noticed though the petitioner is fully aware of the same, conveniently omitted all the above facts and made the allegation that the management illegally dismissed the workman in dispute and that now he is working as badli filler from 30-7-1989. The 30-7-1989 appointment was given to him after reviewing. The allegation management has imposed maximum punishment of dismissal from service without taking into consideration the past conduct of the workman in dispute is not correct. The material fact was suppressed and now he came forward to say that his past conduct is very good. There was no alleged punishment in this case as his mistake has been condoned and he has been given re-employment, the Union and also the workmen in dispute agreed for the same and now he is working as badli filler and as such, they cannot now re-agitate the issue. The petitioner has not made out any case on merits. The petitioner is not entitled for any relief of reinstatement into service on the alleged ground of dismissal, much less with continuity of service, full back wages, and other attendant benefits. This Hon'ble Tribunal may be pleased to dismiss the claim petition.

4. The point for adjudication is whether the action of the Respondent in awarding the punishment of dismissal from service w.e.f. 16-5-1985 to Sri Md Hussain is justified or not?

5. W.W. 1 was examined on behalf of the Petitioner and no documents were marked. M.W. 1 and M.W. 2 were examined on behalf of the Respondent and marked Exs. M1 to M6.

6. W.W. 1 is Mohd. Hussain. He deposed that he has worked in Singareni Collieries in the year 1977. His designation was general mazdoor. Management did not give any charge sheet to him, and at the same time management has not served any enquiry notice to him. He has been removed from service in the year 1985. Management has offered employment during the pendency of this I.D. His services has been terminated for every three months. Normal practice if the worker was not served with the charge sheet management will give paper advertisement. In his case there was no paper publication informing him when the enquiry will be conducted.

7. M.W. 1 is M. Sriram Murthy. In brief he deposed that he was appointed as Enquiry Officer to conduct the enquiry against the workmen committed misconducts of Division I. Area Workshop of Godavarkhani by general order and that order is not available with him now. The management sent him the

copy of the charge-sheet to conduct the enquiry against the petitioner workman. Ex. M1 is the copy of the said charge sheet. It is informed to the petitioner in Ex. M1 charge sheet that the Personnel Officer will conduct the enquiry on 1-4-1985 at the office of D.E. Workshop. On 1-4-1985 the petitioner—workman did not attend the enquiry. He conducted the enquiry on 1-4-1985. The witness that was examined on behalf of the management produced the registered cover returned unserved on the petitioner, and the said registered unserved cover is Ex. M2. The said cover is found opened and Ex. M3 is the charge sheet which was sent to the petitioner in Ex. M2 registered cover. Ex. M2 registered cover was returned to the sender with the post endorsement "party out of station, hence returned to sender". He closed the enquiry proceedings dt. 1-4-1985 and the enquiry proceedings drafted by him is Ex. M4. He prepared enquiry report dt. 9-4-1985 and submitted the same to the management of the Respondent and the said report is Ex. M5. On the basis of the enquiry report in Ex. M5, the management dismissed the petitioner by its order dt. 16-5-1985 and the said order is Ex. M6. The receipt of copy of the dismissal order was endorsed by the petitioner or Ex. M6 on 6-11-1988.

8. M.W. 2 is K. Prakash Babu. He deposed that he has been working in the Respondent in different capacities since 1979 having joined in the company as Clerk and he is now working as Personnel Officer at Raniagundam since 1990 June. The Union and the workers are aware that the Personnel Officers are being appointed as Enquiry Officers for concerned area. Normally they the Personnel Officers are known as Enquiry Officers to the workers. Since there will be number of enquiries to be conducted as the organisation is a very big organisation and it is not possible to appoint outsiders as Enquiry Officers for each case, the management constituted as separate section in the personal department to conduct enquiries against the employee who commit misconducts.

9. In this dispute the allegation of the Petitioner workman that the workman concerned joined the service of the Respondent as Mazdoor in the year 1977, he was illegally dismissed by the Respondent by an order dt. 16-5-1985, that the dismissal order passed by the Respondent is in violation of principles of natural justice, that he was not served with any charge sheet nor his explanation was called for passing the dismissal orders by the Respondent. the Respondent has also not conducted any enquiry before passing the dismissal orders, that even the order of dismissal was not served on the petitioner immediately after it was passed and that the dismissal order was served on the petitioner only after the dispute was referred by adjudication. The further allegation of the Petitioner workman that the Management he sent a letter dt. 27-9-1984 for which the petitioner has sent a reply asking the Respondent to provide Ambulance Van so as to enable him to be admitted in the Respondent's Hospital, that the petitioner submits the Respondent has imposed the maximum punishment of dismissal from service without taking into consideration the past conduct of the petitioner and the orders of dismissal passed by the Respondent is illegal and the petitioner is entitled to the post of Tyndal.

10. On the other hand the Respondent contended that the Petitioner—workman Sri Md. Hussain was

granted leave on loss of pay from 21-1-1984 to 25-1-1984 and in normal course after expiry of the leave period he is supposed to attend the duty but instead of attending duty he sent a telegram from his native place requesting for sanction of sick leave, though no sick leave application was sent, on humanitarian grounds the Management had sanctioned sick leave from 1-2-1984 to 31-8-1984, the Sr. Divisional Engineer received another telegram on 27-8-1984 "Sick report". After the said telegram the workman has not chosen to submit any leave letter nor any application for leave that on 27-9-1984 sent letter advising him to report for duty or to report sick in Company's hospital which he failed to report even after receiving the letter dt. 27-9-1984, finally the Respondent issued charge sheet dt. 27-2-1985 for continuous absenteeism from 1-9-1984. The charge sheet was returned unserved with postal endorsement "party out of station". Since the workman failed to do so, the dispute was set ex parte and for the enquiry M.J. Hussain did not turn up and the enquiry was conducted on 1-4-1985 and that the Enquiry Officer was left with no other alternative than to conduct the enquiry and submitted his report.

11. Before going into the merits of the case, this Tribunal passed the preliminary order in deciding the validity of the domestic enquiry conducted by the Management on 28-1-1994 holding that the domestic enquiry conducted by the Respondent—Management is fair and proper.

12. The allegation of the Petitioner-workman that he was not served with the charge sheet or his explanation was called for before passing the dismissal orders by the Respondent. The contention of the Respondent that the charge sheet was sent through registered post but was returned unserved by the postal authorities with their endorsement "Party out of Station. Hence returned to sender". The Petitioner further submits that the Respondent has also not conducted any enquiry before passing the dismissal orders, and that the order of dismissal was not served on the petitioner immediately after it was passed. The contention of the Respondent that on 27-8-1984 the Sr. Divisional Engineer, Area Workshop, Godavarikhani received another telegram "Sick Report". After the said telegram the petitioner in dispute has not chosen to submit any leave letter nor submitted any application for leave for a particular number of days to be sanctioned. After waiting nearly for a month the Sr. Divisional Engineer, Workshop wrote a letter by registered post with acknowledgement due to the workmen in dispute on 27-9-1984 advising him to report for duty or to report sick in Company's Hospital for necessary treatment, though the workman in dispute acknowledged the receipt of the letter, on 5-10-1984 as his native place, he continued to remain absent and failed to report either for duty or to hospital nor sent any letter. As such the Management issued charge sheet under Company's Standing Order 16(16) for continuous absents for more than 10 days from 1-9-1984 and sent the same to his native place address and a copy of it was displayed on the notice board of the Area Workshop, Godavarikhani. As seen from the above facts and records, the Petitioner Workman failed to join duty or sent any reply, the petitioner workman was set ex parte and an enquiry was conduc-

1994/CHAITRA 26, 1916 [PART II--SEC. 3(ii)]

ted and even for the enquiry the petitioner—workman failed to appear before the enquiry and that the Enquiry Officer was left with no other alternative than to conduct the enquiry and submitted his report. It is seen from the fact that the petitioner—workman all the way suppressed the fact from what sort of disease he was suffering, it is clear that he was not sick and under the guise of sickness he is making the allegation that the Management has not given him any order or chance when he was sick. I do agree with the contention of the Respondent—Management that the petitioner workman with an intention to illegally enrich left the country i.e. went to Gulf countries and conveniently made their people to send telegrams as if he was sick. From the facts and circumstances of the case, that the orders of dismissal passed by the Respondent is legal and valid, and that the Petitioner—workman is not entitled to any relief.

13. In the result, the action of the Management of M/s. Singareni Collieries Company Limited, Area-I, Ramagundam Division, P.O. Godavarikhani, Dist. Karimnagar (A.P.) in awarding the punishment of dismissal from service w.e.f. 16-5-1985 to Sri Md. Hessain, Tyndal, Area Workshop, Godavarikhani is justified. The workman concerned is not entitled to any relief.

Award passed accordingly.

Typed to my dictation, given under my hand and the seal of this Tribunal, this the 28th day of February, 1994.

Y. VENKATACHALAM,
Presiding Officer

Appendix of Evidence.

Witnesses Examined on behalf of the Workman :
W.W. 1 Mohd. Hussain.

Witnesses Examined on behalf of the Management :

M.W. 1 M. Srirama Murty.

M.W. 2 K. Prakash Babu.

Documents marked on behalf of Workman :

NIL

Documents marked on behalf of Management :

Ex. M1/27-2-85.—Copy of charge Sheet issued to Workman.

Ex. M2.—Opened Cover addressed to the Workman sent by the Management under Regn. No. 3489, dt. 8-3-1985.

Ex. M3/27-2-85.—Original Copy of Ex. M1 (Charge Sheet).

Ex. M4/1-4-85.—Manuscript of the Enquiry Proceedings against the Workman.

Ex. M5/9-4-85.—Manuscript of the Enquiry Report against the workman.

Ex. M6 16-5-85.—Copy of the Dismissal Order against the Workman.

नई दिल्ली, 18 मार्च, 1994

कान्द्रो. 927.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) को धारा 17 के अनुसरण में, एस एसी पी एल के ब्रवेंड नियोजकों और उनके कर्मकारों के बीच, अनुंद में निर्दिष्ट ओद्योगिक विवाद में केंद्रीय सरकार ओद्योगिक अधिकरण, हैदराबाद के पंचाट को प्रकाशित करती है, जो केंद्रीय सरकार को 17-3-94 को प्राप्त हुआ था।

[एल-22012/63/92-आईएस (सी-II)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 18th March, 1994

S.O. 927.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of S. C. C. Ltd., and their workmen, which was received by the Central Government on 17-3-94.

[No. L-22012/63/92/IR(C-II)]

RAJA LAL, Desk Officer
BEFORE THE INDUSTRIAL TRIBUNAL AT
HYDERABAD

PRESENT :

Sri Y. Venkatachalam, M.A., B.L., Industrial Tribunal-I.

Dated : 28th day of February, 1994

INDUSTRIAL DISPUTE NO. 27 OF 1992

BETWEEN :

Sri Pesari Lingaiah, S/o Sri Durgaiah, Coal Filler, H. No. 7/92/422, Singareni Collieries Co. Ltd., Ramakrishnapuram Area, Division III, Adilabad Dist.—Petitioner.

AND

The General Manager, M/s. Singareni Collieries Company Limited, Ramakrishnapuram, Adilabad Dist.—Respondent.

APPEARANCES :

Sri S. Srinivas Sarma, Advocate—For the Petitioner.

M/s. K. Srinivasa Murthy, G. Sudha and P. V. K. Kishore Babu, Advocates—For the Respondent.

AWARD

The Government of India, Ministry of Labour, by its Order No. L-22012(63)92-IR (C. II) dt. 2-6-1992 referred the following dispute under Section 10(1)(d)(2A) of the Industrial Disputes Act, 1947 between the Management of M/s. Singareni

Collieries Company Limited, Srirampur and their Workmen to this Tribunal for adjudication.

"Whether the action of the management of M/s. S. C. C. Ltd., Srirampur, in dismissing Sri P. Lingaiah, Ex-Coal Filler, RK 7 Incline w.e.f. 30-8-84 from the services of the company is legal and justified ? If not, to what relief the workman is entitled to?"

This reference is registered as Industrial Dispute No. 27 of 1992 and notices were served on both the parties.

2. The brief facts of the claim statement filed by the Petitioner-workman read as follows :—

The Petitioner submits that he was appointed on 24-7-1978 as Coal Filler RK 7, Ramakrishnapuram Area. He worked in the Company upto 1984. The Management has issued charge sheet with allegations that the petitioner refused to perform his duties, instigated the workers for strike and caused loss of production. The Management without conducting the enquiry properly dismissed the petitioner on 30-5-1984. The petitioner submitted several applications requesting them to furnish him dismissal orders copies. But the management never furnished any orders. At the time of conciliation meeting the management filed enquiry report and dismissal order dt. 29-5-1984, further stated that if we filed our views on their dismissal order thereafter they will file reply. The petitioner is submitting the facts against the dismissal order of the Respondent dt. 29-5-1984 for this Hon'ble Court for kind consideration. The management issued charge sheet dt. 13-7-1983 to the petitioner alleged that on 7-7-1983 in second shift he has attended duty booked intime and taken Cap Lamp when the distribution was done by the shift overman and he was instructed to went to working place the same the petitioner refused to follow his lawful instructions and also stopped other coal fillers from going underground and further alleged that he has instigated illegal strikes from second shift of 7-7-1983 for 5 shifts till 9-7-1983 3rd shift, cause in damage to work progress, further alleged that the above alleged acts amounts to misconduct under Company's Standing Order numbers 16(1), 16(9) and 16(19) and called for explanation within three days. The petitioner submitted his written explanation to the said charge sheet and denied all the contentions. The charges framed is not maintainable either on law or on facts. Basing upon socalled enquiry proceedings and finding of the Enquiry Officer dismissed the petitioner from service order dt. 29-5-1984. The said enquiry proceedings are bias proceedings conducted against the principles of natural justice basing upon said illegal enquiry proceedings and finding of the enquiry officer dismissing the petitioner from the service is also illegal. It is submitted that on 7-7-1983 in 2nd shift the petitioner had not refused the instructions of the Overman and he has not stopped other coal fillers. As a matter of fact on the above said day there was displayed LOCK OUT notice on the notice board hence the petitioner left the mine along with other coal fillers. Hence there as not yet fault on the part of the petitioner and he was not at all responsible for any type of damage for work. It is submitted that the record of enquiry proceed-

ings shows that on behalf of petitioner himself examine not produced any witnesses on behalf of him. The petitioner denied all the allegations and charges of the Respondent framed against him, in fact the petitioner as stated above has already given explanation to the above said charge sheet and denied all the allegations but the Enquiry Officer falsely recorded that the petitioner admitted his guilty, therefore there is no substance in the statement of enquiry officer that the petitioner admitted his guilty. When the socalled enquiry proceedings are bias, illegal, contrary to law, contrary to facts and against the principles of natural justice basing upon such enquiry proceedings and findings of the enquiry. The petitioner prays that he is entitled to be paid from 29-5-1984 onwards with all the attendant benefits and prays that this Hon'ble Court be pleased to declare the order of removal of his service is illegal, and unenforceable to reinstate to the petitioner in service pass orders in the interest of justice.

3. The brief facts of the counter filed by the Respondent read as follows :—It is true the petitioner was appointed as coal filler at RK 7 Incline in 1978 and worked in the said incline till the date of dismissal i.e. 30-5-1984. It may be noticed petitioner while he was in service instigated other employees to go on strike which resulted strike took place from 2nd shift of 7-7-1983 to 2nd shift of 9-7-1983 and because of petitioner management lost production, Instigation of strike is gross misconduct and respondent initiated disciplinary action and issued charge sheet on 12/13-7-83 under Company's Standing Order 16(1), 6(9) and 16(19). Petitioner received the said charge sheet on 13-7-1983. Petitioner submitted explanation on 16-7-1983 denying charges. As management was not satisfied with the explanation given appointed Enquiry Officer to conduct enquiry and Sri A. Potha Raju conducted enquiry as per the principles of natural justice by giving full and fair opportunity to the petitioner. Enquiry Officer forwarded his findings to the management and the disciplinary authority having looked into the findings as well as entire enquiry proceedings and the gravity of the situation applied its mind and passed the order of dismissal. Infact dismissal order was received by the petitioner on 2-6-1984. Petitioner has not applied asking for copy of the dismissal order. Petitioner himself received dismissal order the question of applying does not arise. Petitioner has not evinced any interest and kept quite upto 1991. After 7 years he has chosen to move conciliation. The petitioner was charge sheeted under Company's Standing Order 16(1), 16(9) and 16(19). On 7-7-1983 in II shift he refused to follow the lawful instructions of the shift Overman to go to his working place after distribution and also stopped other Coal fillers from going underground causing illegal strike from II shift of 7-7-1983 to III shift of 9-7-1983. After conducting domestic enquiry by giving full and fair opportunity to the workman, enquiry officer forwarded findings and disciplinary authority looked into the facts, applied its mind and passed order of dismissal on 29-5-1984. Enquiry Officer during the enquiry explained the procedure of the domestic enquiry and also asked the employee whether he is bringing any co-employee to

assist him but petitioner himself being illiterate in the mine has clearly stated that he himself will participate in the enquiry and he is not interested to seek the assistance of another workman. The allegation that the deposition of Laxminarayana was recorded in English and no one explained the recorded statement to the petitioner properly is not correct. There are specific endorsement in the enquiry filed showing that the enquiry officer read over the proceedings and explained and then only Sri Laxminarayana affixed his thumb impression. Sri Laxminarayana was examined as management witness who at the earliest point of time reveal the actual material facts. It may be noticed 3 management witnesses have been examined. Petitioner refused to cross examine and petitioner examined himself. During the course of examination he pleaded guilty and also stated that there are no further witnesses to be examined on his behalf and no documents to be filed. Something has been recorded by the Enquiry Officer. Once employee pleaded guilty now he is going back on his version and making allegation that he was victimised which is not correct. It may be noticed lockout has been declared only after strike commenced. If the coal fillers stop work all the connected staff cannot work. If the coal fillers go on strike because other workmen have come to the work and because strike they could not proceed and as such management was constrained to declare lockout. The allegation there was no fault on the petitioner and he was not at all responsible for any type of damage for work is false and petitioner pleaded guilty during enquiry and also affixed thumb impression. Infact in the explanation also workmen clearly mentioned that other workers agreed to work but petitioner has not permitted. It is not necessary for the enquiry officer to write something which petitioner has not pleaded and because workmen is illiterate and he could not write his name, in such critical circumstances what is written was properly explained. To defend the case false allegation has been made first time before this Hon'ble Court. Management is justified in dismissing the petitioner as he instigated strike and not allowed other coal fillers to go into the mine to lift coal for nearly for 5 shifts and workmen remained stand still. On the eventful day i.e. 7-7-83 there was some disturbance in the Mine conditions but still management provided work. Apprehending management is not providing work though there was no work petitioner raised dispute that in the event if management could not provide work during the shift period they should be paid two tubs wage which is contrary to the established practice and procedures. Management representative clearly pointed out when they fail to provide they will pay full back wages anticipating it is not there he cannot make a demand. Petitioner got engaged and instigated other workmen stating this will be the best time to demand for two tubs wages which will become future policy. Thus he instigated strike and saw to it 5 shifts work could not go on. Thus coal fillers went on strike. Having caused loss petitioner being leader he was fully engaged in other activities for 9 years and came out new challenging dismissal order which is not correct. Management is justified in dismissing petitioner for instigating strike. In view of above this Hon'ble Tribunal may be pleased to dismiss the claim petition.

4. The point for adjudication is whether the action of the Respondent in dismissing Sri P. Lingaiah, w.e.f. 30-8-84 from service is legal and justified ?

5. No oral or documentary evidence have been adduced by both the parties.

6. The case of the Petitioner-workman that he was appointed on 24-7-1978 as Coal Filler RK 7 Ramakrishnapuram Area, that Management issued charge sheet alleging that the petitioner instigated the workers for strike and caused loss of production, that the Management without conducting the enquiry properly dismissed him from 30-5-1984. The further contention of the petitioner workman that on 7-7-1983 in Second Shift he has attended duty booked in time and taken Cap Lamp when the distribution was done by the shift overman and he was instructed to go to working place the petitioner refused to follow his lawful instructions and also stopped coal fillers from going underground and he has instigated illegal strikes from 2nd shift of 7-7-1983 for 5 shifts till 9-7-1983 3rd shift. The petitioner submitted his written explanation denying all the charges. The further allegation of the Petitioner that the enquiry proceedings are bias proceedings conducted against the principles of natural justice basing upon said illegal enquiry proceedings and finding of the enquiry officer dismissing the petitioner from the service is illegal, contrary to law against the principles of natural justice.

7. The Respondent Management on the other hand contended that the Petitioner while he was in service instigated other employees to go on strike which resulted strike took place from 2nd shift of 7-7-1983 to 2nd shift of 9-7-1983 and because of petitioner, management lost production, the Management not satisfied with the explanation given by the Petitioner, appointed Sri A. Potha Raju as Enquiry Officer to conduct enquiry and the enquiry conducted as per the principles of natural justice by giving full and fair opportunity to the Petitioner. The Enquiry Officer forwarded his findings to the management and the disciplinary authority having looked into the findings as well as entire enquiry proceedings and the gravity of the situation applied its mind and passed the order of dismissal.

8. At the very outset this Tribunal has to see whether the Petitioner-workman has infact instigated the other workers to go on strike and whether the domestic enquiry has been conducted properly without bias. A perusal of the Enquiry Report prepared by the Enquiry Officer after conduct of the domestic enquiry would reveal that according to Sri V. Laxminaravana Overman, the petitioner P. Lingaiah, Coal Filler on 7-7-1983 in 2nd Shift demanded on behalf of the Coal Filler to give two, two thumbs account to each Coal Filler and Sri P. Lingaiah stopped all the other Coal Fillers from going down and thereby strike took place at RK7 Incline in II Shift on 7-7-1983 and continued upto 9-7-1983 II shift and caused loss of out put 2,384 tonnes to the company. Sri P. Lingaiah Coal Filler denied the above charge in his explanation. He has admitted the above charge fully and asked for an excuse. He has not produced any witnesses or cross examined any witnesses. Further it is seen that from the documents submitted by Sri V. Laxminarayana and from

the evidence on record and as Lingaiah voluntary admission of the above charge if is clearly evident that a strike took place at RK 7 Incline in II shift on 7-7-1983 and continued upto 9-7-1983 II shift. This clearly shows that due to the strike mine did not work and thereby the work in progress of that mine suffered and caused damage to the work in progress. Hence I find that from the enquiry report Sri Lingaiah caused damage to work in progress at RK 7 Incline. The next point is whether the domestic enquiry conducted by Sri Potha Raju, Enquiry Officer is proper and fair. A perusal of the enquiry filed shows that the Enquiry Officer during the enquiry explained the procedure of the domestic enquiry and also asked the employee whether he is bringing any co-employee to assist him, the petitioner has stated that he himself will participated in the enquiry and he is not interested to seek the assistance of another workman. There are specific endorsement in the enquiry file showing that the Enquiry Officer read over the proceedings and explained and then only Sri Laxminarayana affixed his thumb impression. Sri Laxminarayana was examined as management witness. It may be noticed that three management witnesses have been examined and that the petitioner refused to cross examine them and the petitioner examined himself. As seen from the enquiry file that during the course of examination the petitioner workman pleaded guilty and also stated that there are no further witnesses to be examined on his behalf and no documents were filed. So once the Petitioner pleaded guilty now he cannot go back making allegation that he was victimised. So from the facts and circumstances of the case, the Management is justified in dismissing the petitioner workman from service as he instigated strike and not allowed other coal fillers to go into the Mine to lift coal for nearly 5 shifts and workmen remained stand still and that the domestic enquiry conducted by the Respondent Management as per the principles of natural justice by giving full and fair opportunity to the Petitioner-workman and that the Enquiry Officer forwarded his findings to the Management and the Disciplinary Authority having looked into the findings as well as entire enquiry proceedings and the gravity of the situation applied its mind and passed the dismissal order, I find no merits in the petitioner's case and the management was justified in dismissing the petitioner-workman from service for instigating the strike.

9. In the result, the action of the Management of M/s. Singareni Collieries Company Limited, Sircrampur, in dismissing Sri P. Lingaiah, Ex-Coal Filler, RK 7 Incline w.e.f. 30-5-1984 from the services of the Company is legal and justified. The workman concerned is not entitled to any relief.

Award passed accordingly.

Typed to my dictation, given under my hand and the seal of this Tribunal, this the 28th day of February, 1994.

Y. VENKATACHALAN, Presiding Officer.

Appendix of Evidence

NIL

नई दिल्ली, 21 मार्च, 1994

का.आ. 928.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार टेलीकम्युनिकेशन डिस्ट्रिक्ट इंजीनियरिंग, करनाल के प्रबंधन के संबंध में विवाद इंजीनियरिंग, करनाल में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चंडीगढ़ के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 17-3-94 को प्राप्त हुआ था।

[सं. एल-40012/93/89-डी-2(बी) (भाग)]

के. वी. बी. उण्णी, डैस्क अधिकारी

New Delhi, the 21st March, 1994

S.O. 928.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Telecommunication Distt. Engg., Karnal and their workmen, which was received by the Central Government on 17-3-94.

[No. L-40012/93/89-DII(B) (Pt.)]
K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER, CENTRAL GOVT., INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT CHANDIGARH

Case No. I.D. 25/90

Suresh Chander Vs. Telecommunication
For the workman : Shri Bhupinder Singh.
For the management : Shri Arun Walia.

AWARD

Central Government vide Gazette Notification No. L-40012/93/89-D.II(B) dated 31st January, 1990 issued U/s. 10(1)(d) of Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

"Whether the action of the Telecommunication District Engg. Karnal in terminating the services of casual worker w.e.f. 1-8-87 is just, fair and legal ? If not to what relief the worker concerned is entitled to ?"

2. Case of the petitioner as set out in the statement of claim that he had employed with the resptd. management w.e.f. 1-7-1985 at the salary of Rs. 419.50 per month. His grievance is that despite he had worked approximately for two years continuously his services were terminated without payment of retrenchment compensation and three months wages/pay. No charge sheet was ever served. No prior permission for termination of service has been obtained from the appropriate government (Central). He also alleges the violation of Section

25-G of the Industrial Disputes Act for having retained his junior persons and also violation of the provisions of Section 25-H for recruiting fresh hands after termination of his services. He has thus alleged that his termination of services is illegal and null and void. He has stated to have remained unemployed. He made many representations against his illegal termination to the management but no effect. He has thus sought reinstatement with full back wages and consequential relief.

3. The management resisted the claim of the petitioner. In the written statement the plea has been taken that the employment of the petitioner as *casual mazdoor* was purely temporary. His services were terminated due to non-availability of work with the department w.e.f. 1-8-1987. Further case of the management that notice of retrenchment was rightly served upon the petitioner vide letter dated 9-10-1987. The retrenchment compensation was also given to him vide letter dated 9-10-1987. It was denied that the juniors have been retained. Further case of the management that the services of the petitioner were terminated due to changed policy of the respondent management as the work was given to the contractor. Therefore, termination of the services of the petitioner is legal. It was admitted that the respondent management is an industry. It was denied that where the petitioner was employed the number of workman were working in that place was over 100. The management thus sought the dismissal of this reference.

4. Replication was also filed reasserting the same facts claimed in the claim statement.

5. Petitioner produced WW1 Jagbir Singh T.O.A. Benawa. The petitioner filed his affidavit Ex. W1. He admits in cross-examination that he earns Rs. 20/- a day while working in fields as mazdoor. MW1 G. S. Bains SDO is the management's witness. He filed his affidavit Ex. M1 in evidence. He also relied on the documents Ex. M2 and M3. He admits in cross-examination that the petitioner had completed 240 days proceeding 12 calendar months from the date of termination. He admits that retrenchment compensation amounting to Rs. 419.50 paid on 12-10-1987. Respective parties closed their evidence.

6. I have heard both the parties, gone through the evidence and record.

7. Representative of the petitioner has argued that the petitioner was not paid retrenchment compensation at the time of termination which is pre-condition as laid down in clause (b) of Section 25-F of the Industrial Disputes Act, 1947 and therefore, his termination is illegal and bad in law. There is sufficient force in this contention. It is implicit in the provision in Section 25-F that it confer a right on the workman to receive retrenchment compensation. Clause (b) lays down that as pre-condition to retrenchment, a workman should be paid compensation at the time of retrenchment. The object the legislature had in mind in making this condition precedent was to partially redress the hardship caused by the retrenchment. If, therefore, no retrenchment compensation is paid to the workman before they are asked to go, the retrenchment order is bad, invalid and inoperative in law. Similarly in the present

case, admittedly the petitioner had completed 240 days preceding 12 calendar months preceding the termination. Thus it was obligatory on the management to have paid the petitioner the retrenchment compensation and pay in lieu of notice at the time of termination. Ex. M3 is the notice dated 9-10-1987 in relation to the payment of retrenchment compensation which states that the casual mazdoor retrenched w.e.f. 1-8-1987 have been paid retrenchment compensation as per noted against each. The petitioner figure at serial number 6. He has shown to have paid retrenchment compensation on 12-10-1987. Same is also admitted by the management's witness MW1 G. S. Bains. This subsequent payment of retrenchment compensation on 12-10-1987 is no payment when services of the petitioner had already retrenched w.e.f. 1-8-1987. The offer or tender must be well within time so that workman must be in a position to receive payment. A mere invitation after termination to go over and receive the amount can not be treated as tender. I am supported by the view taken in National Iron & Steel Co. Vs. Third Industrial Tribunal reported in 1964(1) L. L. J. page 525 wherein the employer called upon to retrenched workmen to receive the payment following their retrenchment and notice to this effect was posted on that very day when the retrenchment was to take effect and the workmen were asked to call at the office for receiving the payment either on the same day or in subsequent date, there was little chance for the workmen to receive the letter on that day and call for payment. The notice really amounted to call to receive payment subsequent to retrenchment, the said offer to make payment being bad in law, the order of retrenchment consequently was held to be incompetent. This view is also consistent with the subsequent holding of the Supreme Court in National Iron and Steel Co. Ltd. Vs. State of West Bengal 1967(ii) L. L. J. page 23 wherein the Supreme Court held that the fact the employer had asked the workman to collect his dues from the cash office during the working hours was not sufficient compliance of the requirement of tender or offer to pay compensation as it was incumbent upon the employer to pay to the workman such compensation and it was observed that if the workman was asked, to go forthwith, he had to be paid at the time when he was asked to go and could not be asked to collect his dues afterwards. "Similarly in the present case notice is Ex. M3 dated 9-10-1987 when the services of the petitioner had already terminated w.e.f. 1-8-1987 really amounts to call to receive payment subsequent to retrenchment and therefore, order of retrenchment is certainly in violation of clause (b) of Section 25-F of the Industrial Disputes Act and is incompetent and void ab initio entitling the petitioner with reinstatement with all benefits.

8. Question thus remain is payment of back wages. The petitioner admits in cross-examination that he is working in the fields as mazdoor and earn Rs. 20/- per day. This implies that even if the holidays are excluded he was earning approximately Rs. 500/- per month. This itself establishes that the petitioner was not only gainfully employed but even earning more than when he was duly employed with the respondent management, because admittedly his salary was Rs. 419.50 while working with the res-

pondent management. In view of this the petitioner is not entitled to have any back wages.

9. In a way reference is answered accordingly. Ministry be informed.

Chandigarh.

28-2-1994.

ARVIND KUMAR, Presiding Officer,
Central Govt. Industrial Tribunal-cum-
Labour Court, Chandigarh.

नई दिल्ली, 21 मार्च, 1994

का.न्र. 929.—आंदोलिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के प्रत्येक में, केन्द्रीय सरकार सुपरिनटेंडेंट ऑफ पोस्ट ऑफिस, लुधियाना के प्रत्यंशतत के संबंध नियोजकों और उनके कमिकारों के बीच, अनुबंध में निर्दिष्ट आंदोलिक विवाद में केन्द्रीय सरकार आंदोलिक अधिकरण चंडीगढ़ के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 18-3-94 के प्रातः हुआ था।

[एन-40012/102 90-आई. आर (डी.ए.) (पी.टी.)]

के. वी. बी. उण्णी, दैनिक अधिकारी

New Delhi, the 21st March, 1994

S.O. 929.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 197), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Supdt. of Post Office, Ludhiana Muffasil Division, Ludhiana and their workmen, which was received by the Central Government on 18-3-1994.

[No. L-40012/102/90-IR(DU)(Pt.)]

K.V.B. UNNY, Desk Officer

BEFORE SHRI ARVIND KUMAR, PRESIDING
OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, CHANDIGARH.

Case No. I.D. 15/91

Major Singh Vs. Post Officer

For the workman—Shri O. P. Mehta.

For the management—Shri I.S. Chawla.

AWARD

Central Govt. vide gazette Notification No. L-40012/102/90-I.R.(D.U) dated 31-1-91 issued U/S 10(1)(d) of I.D. Act 1947 referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Post Office in relation to the Supdt. of Post Office Ludhiana Muffasil Division Ludhiana in terminating the services of Shri Major Singh, EDDA first w.e.f. 9-3-88 and subsequently from 15-7-88 is justified ? If not, what relief the work-

man concerned is entitled and from what date ?

2. Case of the petitioner as set out in the statement of claim that he was employed in the capacity of EDDA with the respondent management. He had served for one year and 10 months continuously at the post office Nanaksar branch Ludhiana. His services were terminated w.e.f. 14-7-1988 illegally, unlawfully, without notice, charge sheet or enquiry. He was neither paid nor offered any retrenchment compensation, therefore, his termination is in contravention of provisions of Section 25-F of the Industrial Disputes Act 1947. He has tried his level best to get an alternative job but he could not get it so far. He has thus sought re-instatement with continuity and full back wages.

3. The management in their written statement has taken preliminary objection that the respondent department is not an industry. On merits the plea of the management that the petitioner was appointed as EDDA Nanaksar on temporary basis w.e.f. 8-9-1986. The petitioner did not have the proper educational qualifications. He did not submit his birth and educational qualification certificates. He was intimated in this respect on 22-9-1987, 18-1-1988 and 30-1-1988. He was also provided full opportunity to produce his middle pass certificates vide letter dated 23-5-1988 with the direction that if he failed to produce the same within 15 days he will be removed from service. The petitioner did not submit the same and his services were terminated accordingly on 13-7-1988 by SDI(P) Jagroan and the petitioner stood relieved on 15-7-1988. Further plea of the management that the employment of the petitioner as EDDA was on temporary basis and not on regular basis. His services were governed under FDDA (Conduct & Service) Rules 1964. According to rule 6, the services of an employee who has not already rendered more than three years continuous service shall be liable to be terminated by the appointing authority at any time without any notice. As such services of the petitioner were terminated in accordance with the provisions of said rules and thus amounts to a valid termination and thus sought the dismissal of this reference.

4. The petitioner filed his affidavit Ex.W1 in evidence. He admits in his cross-examination that he was appointed as extra departmental delivery agent. He also admits that post against which he was working the minimum qualification is middle pass. The management got proved the document Ex.M1. MW1 O. P. Talwar Supt. Post Office is the management's witness. He filed his affidavit Ex.M2/A. He also relied on the documents Ex.M2 to M6. The respective parties closed their evidence.

5. I have heard both the parties, gone through the evidence and record.

6. Counsel appearing on behalf of the petitioner has argued that the petitioner had completed 240 days preceding 12 calendar months from the date of his termination, therefore, his services could not be terminated without complying with the provisions of Section 25-F of the Industrial Disputes Act, 1947

since termination of services is in violation of Section 25-F, the petitioner is entitled to reinstatement with full back wages. I, however do not accept the contention raised by the counsel for the petitioner. The requisite qualification for the post of EDDA is admittedly a minimum middle pass. At the time of seeking appointment the petitioner had submitted his personal bio-data Ex. M5, the attestation from Ex. M6 and the property from Ex. M4 where the petitioner shown himself to be a middle pass. Right from the date of his appointment the management had been asking the petitioner to submit middle pass school certificate which is reflected in the reply dated 30-1-1988 given by the petitioner to the management in response to the letter written by the management dated 18-1-1988 requiring the petitioner to submit the educational certificates wherein the petitioner stated to have replied that the same had already been submitted at the time of initial appointment which seems not correct because there is no such reference in the personal bio-data, attestation form and property form submitted by the petitioner of having middle pass certificate enclosed or annexed. He even does not know in which year he had passed the middle class examination. The petitioner even thereafter did not take any steps to procure any duplicate middle pass school certificate to satisfy the requirement of the management. He also did not react to the notice by the management Ex.M2 dated 24-5-1988 giving the petitioner last opportunity to produce the middle pass certificate within 15 days otherwise he will be removed from service. He even in the Court proceedings had not taken any efforts to procure the required certificate showing himself to be middle pass. His failure to do so implied that he never passed his middle standard and sought the employment by way of mis-representing and concealing the facts the same is also reflects from the documents available on the record. Ex.M4 is the attestation form duly submitted by the petitioner at the time of seeking employment. At page 2 of the said form he has given the name of the school where he was studying i.e. Khalsa SBBS High School Jagroan. In the said declaration he has shown to have entered the school on 30-4-1962 and left the school on 20-2-1965 and shown himself to be middle pass. The management had verified the contents regarding educational qualification of the petitioner from the said school. Ex.M3 is the certificate of the Head Master of the said school dated 2-3-1988 stating that the Major Singh (the petitioner) was reading in the 8th class in the school and left the school on 20-2-1965. The petitioner himself in his attestation form has given the date of leaving the school on 20-2-1965. It is established that he left the school on 20-2-1965 while he was studying in 8th class without having passed the same. Therefore, he was not having requisite qualification of 8th pass for the post of EDDA which is admittedly the minimum qualification for the post. In 1986 Kerala Law Time page 801 Eranallor Service Co-operative Bank Ltd. Vs. Labour Court and others it has been held that the person who claim benefits of Section 25-F of the Industrial Disputes Act 1947 shall establish that he is in the service of the employer having been appointed validly. However, in the present case as discussed above the petitioner having not the minimum qualification of middle pass was certainly not eligible for employment and also not entitled to

the benefits of Section 25-F of the Industrial Disputes Act, 1947 since his initial appointment is itself for want of lack of minimum qualification was irregular and void-ab-nitio.

7. The matter does not rest here. Admittedly the petitioner was appointed as EDDA (Extra Department Delivery Agent) Nanaksar. His period of service is one year and 10 months. The stand of the management that his services are governed by EDDA (Conduct & Service) Rule 1964 has not been controverted by the petitioner. The relevant provision i.e. rule 6 has also been placed on the record. The provision contained in rule 6 of the Post & Telegraph Extra-Departmental Agents (conduct & Service) need to be quoted for better appreciation of the contentions.

"Termination of Services--The services of an employee who has not already rendered more than three years' continuous service from the date of his appointment shall be liable to termination by the appointing authority at any time without notice for generally unsatisfactory work, or on any administrative ground unconnected with his conduct."

From the above quoted rule it is crystal clear that the appointing authority at any time without notice can terminate the services of its employee on any administrative ground unconnected with his conduct. Therefore, the termination of service of the present petitioner has been rightly passed without any stigma and passed by powers vested in the authority under rule 6 quoted above, therefore, no interference is called for. The ratio of the judgement of Central Admn. Tribunal Cuttack Bench, Dharanidhar Sahoo Vs. Union of India and others reported in 1987(2) Admn. Tribunal cases 16 is followed.

Hence, nothing survive in the proceedings initiated by the petitioner. He is not entitled to any relief-what-so-ever. The reference is dismissed and returned to the Ministry.

ARVIND KUMAR, Presiding Officer
Central Govt. Industrial Tribunal
cum-Labour Court Chandigarh.

नई दिल्ली 21 मार्च, 1994

का.प्रा. 930.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय राज्यालय न्यायालय क्षेत्र वर्ड के प्रबन्धनवाले संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण वैद्यीगढ़ के पंचाण को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-3-94 को प्राप्त हुआ था।

[प्रा-42012/141/88-डी 2(बी) (भाग)]

के. वी. बी. उण्णी, डैम्प्र अधिकारी

New Delhi, the 21st March, 1994

S.O. 930.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the
852 GI/94.—11.

Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Beas Construction Board and their workmen, which was received by the Central Government on 18-3-1994.

[No. L-42012/141/88-D.II(B)(Pt.)]

K. V. B. UNNY, Desk Officer.

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL CUM-LABOUR COURT,

CHANDIGARH

Case No. I.D. 174/89

Vipon Kumar Vs. Beas Construction Board

For the workman.—Shri R. K. Singh.

For the management.—Shri N. D. Kalra.

AWARD

Central Govt. vide gazette notification No. L-42012/141/88-D.II(B) dated 3rd October, 1989 issue U/s. 1(d) of Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

"Whether the action of Executive Engineer, DPH Division, TLSC, RCB (PW) Slapper (HP) in retrenching Shri Vipon Kumar, T. Mate w.e.f. 1-10-1983 is legal and justified? If not, to what relief is the concerned workman entitled and from what date?"

2. Case of the petitioner as set out in the claim statement that he joined the respondent management on daily wages w.e.f. 1-5-1981. He continuously worked as skilled mazdoor upto 31-8-1982. However w.e.f. 1-9-1982 he was promoted as T. mate in the work charge capacity in regular pay scale of Rs. 300—430. He worked continuously till 30-9-83 when his services were terminated. He alleges that his termination is illegal and void as the management have neither served upon him any charge sheet nor any enquiry was held before effecting his termination. He was not paid the retrenchment compensation which is pre-condition to the termination rendering his termination void and bad in law. He also alleges violation of Section 25-G of the Industrial Disputes Act, 1947 having retained juniors namely Sarvshri Mohinder Singh, Ashwani Kumar, Kaka Ram and Gian Chand who were only appointed w.e.f. 1-1-1983. According to him his services were terminated due to completion of work as reflected in item No. 8 of the discharge certificate. However his work and conduct was recorded as good as reflected in the same discharge certificate. He also states that in similar case of Jit Ram, the court has ordered reinstatement with back wages. He has thus also sought reinstatement with back wages.

3. The management has taken the preliminary objection that the claim is belated and stale having reference raised after a period of six years from the date

of alleged termination. Further objection of the management that the petitioner for the same cause filed an application No. 247/80 under Section 33-C(2) of the I.D. Act 1947 which was withdraw by him on 6-6-1988 when the management filed reply to the said application. The services of the petitioner were terminated due to completion of work. The services were not terminated by the answering respondent and as such the present reference is not maintainable. Further objection of the management that since the employment of the petitioner was on contract basis for specific period there was no question of maintaining any seniority. On merits the plea of the management that the petitioner remained engaged from 1-5-1981 to 31-8-1982. It was denied that he was promoted but he was given fresh appointment initially for a period of three months which was extended from time to time. The same came to an end w.e.f. 30-9-1983 in terms of employment due to completion of work. Therefore, the payment of retrenchment compensation was not a condition precedent as the provisions of Section 25-F are not applicable, the severance being U/S. 25-FFF of the Industrial Disputes Act, 1947. However, the management without conceding and only as a parting gesture offers to pay an amount equal to retrenchment compensation for the period from 1-5-1981 to 30-9-1983. Further plea of the management that the case of Jeet Ram referred by the petitioner was on a different footing. He was working in different sub-division. The award of the Jit Ram has already been challenged through a writ petition in Punjab and Haryana High Court. Further stand of the management that DPH TLCS Divn. of BCB PW Slapper was formed w.e.f. 1-4-1986 whereas the alleged termination has taken place on 30-9-1983. The petition otherwise is not maintainable and thus sought the dismissal of this reference.

4. Replication was also filed reasserting the same facts as claimed in the statement of claim.

5. The petitioner filed his affidavit Ex. W1 in evidence. He also relied on the document discharge certificate Ex. W2. The management got proved the documents Ex. M1 and Ex. M2. MW1 R. C. Gupta SDO is the management witness. He filed his affidavit Ex. M3. He also relied on the document Ex. M4. The respective parties closed their evidence.

6. I have heard both the parties, gone through the evidence and record.

7. At the outset the representative of the petitioner has argued that the petitioner had completed 240 days preceding 12 calendar month from the date of termination and the management has not complied with the provisions of Section 25-F for not having paid retrenchment compensation and pay in lieu of notice and thus sought reinstatement with back wages. There is sufficient force in this contention. The petitioner was admittedly employed w.e.f. 1-5-1981 on daily wages where he had worked up to 31-8-1982. However w.e.f. 1-9-1982 he was offered the employment on the post of T. mate for a period of three months vide Ex. M1 placed on the record by BCB. Having worked on the post of T. mate w.e.f. 1-9-1982 he was never removed after the expiry of

said three months. However he continued to have remained in service up to 30-9-1983 when his services were terminated w.e.f. 1-10-1982. The petitioner therefore, having worked during the said period completed more than 240 days preceding 12 calendar months from the date of termination. The objection of the management that the employment of the petitioner was for a specific period and he was discharged on the 'completion of work' therefore, his case does not fall within the purview of Section 25-F of the Industrial Disputes Act is meritless for various reasons. Firstly offer of appointment dated 1-9-1982 is Ex. M1 wherein it is nowhere stipulated that his employment is for specific job and liable to be discharged on the completion of the job. No doubt the said offer of appointment was only for three months but the same does not help to the management being services of the petitioner never discharged on the expiry of said three months but he was allowed to continue for period of more than one year during which he had completed more than 240 days of continuous service as defined U/S 25(b) of the Industrial Disputes Act, 1947. He therefore, qualify himself under the protection of Section 25-F of the Industrial Disputes Act, 1947. It was mandatory for the management to have served a notice or to give pay lieu of notice before termination of the services of the petitioner. However the management had not done so at the time of termination rather offered the same at the time of filing of written statement in the present proceedings in following way :

"However the management without conceding and only as a parting gesture offers to pay an amount equal to retrenchment compensation for the period from 1-5-1981 to 30-9-1983 without prejudice to their averments and legal rights."

Therefore the management has certainly violated the provisions of Section 25-F of the Industrial Disputes Act 1947. The management has tried to bring the case of the petitioner within the ambit of Clause (bb) of Section 2(oo) of the Industrial Disputes Act 1947 and has argued that his employment was on contractual basis and stood discharged on the completion of the work. This plea is again meritless for the reason firstly the petitioner's services were terminated w.e.f. 1-10-1982. At that time clause (bb) of Section 2(oo) was not on the statute book. It was inserted by amending the Act 49 of 1984 w.e.f. 18-8-1984. Therefore, clause (bb) of Section 2(oo) is not retrospective in nature. It is remedial provision and prospective in nature and will apply to those terminations which takes place after the provision was brought on the statute book which is not the case here. Secondly the discharge certificate is Ex. W2. The petitioner shown to have enrolled w.e.f. 1-5-1981 and date of discharge is 30-9-1983 and the reason of discharge in completion of work. Therefore, in that situation it was incumbent upon the management to have complied with the provisions of Section 25-F at the time of discharging the petitioner from the duties upon having completed more than 2

days of continuous service in 12 calendar months, being the same has not been done as discussed above, the termination of services of the petitioner is certainly illegal.

8. Representative of the management pointed out that the petitioner had previously moved an application U/S 33-C(2) of the Industrial Disputes Act, 1947 claiming the terminal benefits which has been withdrawn by the petitioner and therefore, he can not raise the present reference. This plea is again meritless. The said withdrawal of the application U/S 33-C(2) of the Industrial Disputes Act does not adversely effect the present claim of the petitioner in reference.

9. It has further been pointed out by the representative of the management that it is a case of closure U/S 25-FFF of the Industrial Disputes Act 1947 and the payment of retrenchment compensation is not the condition precedent and has referred the case of Sunder Singh & others Vs. B. B. C. New Delhi reported in AIR 1979 Punjab & Haryana page 1. There is no force in the contention raised by the representative of the management and the judgement cited is not applicable in the circumstances of the present case. There is no evidence on the record that the services of the petitioner was terminated on account of the closure. In this respect discharge certificate Ex. M4 relied by the management is very relevant. In column No. 8 of the said discharge certificate reason of discharge of the petitioner from the service is 'completion of work' and not closure of the undertaking. Further the management has also not taken any such plea of closure as contained in U/S 25-FFF in the written statement. Therefore, this plea is again no help to the management.

10. Representative of the management has further argued that the present reference is belated, stale and having raised after a period of six years from the date of termination, therefore, this reference is liable to be dismissed on this score only and has cited the judgements Sirhind Co-operative Marketing-cum-Processing Society Ltd. Vs. Presiding Officer, Labour Court and another reported in 1991 (2) S. L. R. page 487, Punjab State Electricity Board, Patiala Vs. Presiding Officer Labour Court Bhatinda and anr. reported in 1991 (3) S. L. R. page 148 and State Transport Commissioner Punjab Vs. Bhajan Singh and another reported in 1992 (5) S. L. R. page 763. I do not agree with the contention raised by the representative of the management. The judgements cited by the management have no application in the circumstances of the present case. These were the cases whether domestic inquiry was involved and it was held that to reopen the matter after such a long time is great disadvantage to the management and it would be practically impossible to collect evidence after so many years. But however the present case does not relate to domestic enquiry. On account of delay the appropriate government could decline to refer the dispute to Labour Court but however since the same has been referred, for the period of delay in making the reference by the petitioner he can be denied the back wage as held in Punjab Agro Industrial Corp. Ltd. Vs. Presiding

Officer Labour Court, U. T. Chandigarh reported in 1993 (2) S. C. T. page 169. Similarly Hon. Supreme Court has also held in the case of Jai Bhagwan Vs. Ambala Central Co-op. Bank reported in AIR 1984 S. C. page 286 observing that the delayed reference can only cause the reduction in wages.

11. Now the question arises as to what relief the petitioner is entitled to when the closure of B. C. B. had taken place subsequently. In this context the evidence of MW1 R. C. Gupta is relevant. He has admitted in Cross-examination that Nangal Sub Division was amalgamated with Dohar Power House. He also admitted that the retrenches BCB numbering approximately 1200 have been given employment in BBMB in view of this the management is directed to absorb the petitioner in service according to seniority and rules. The petitioner is denied the back wages from the date of termination i.e. 1-10-1982 till the raising of the present reference i.e. 23-10-1989 on the basis of ratio laid down in Punjab Agro Industries Corp. Ltd. (supra). However he would be entitled to 50% backwages subsequent to 23-10-1989 till further appointment.

12. In a way reference is answered accordingly and sent to the Ministry.

Chandigarh.
28-2-1994.

Sd/-

Presiding Officer, Central Govt. Industrial Tribunal-cum-Labour Court, Chandigarh.

नई दिल्ली, 24 मार्च, 1994

का.प्रा. 931.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार जयपुर नागौर आंचलिक ग्रामीण बैंक के प्रबन्धित संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जयपुर के पंचायत को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-3-94 को प्राप्त हुआ था।

[संख्या एन-12012/198/91-आई आर बी. III/
आई आर बी. I]

एस. एस. के. राव, डैस्ट्रिक्ट अधिकारी

New Delhi, the 24th March, 1994

S.O. 931.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Jaipur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Jaipur Nagaur Anchalik Gramin Bank and their workmen, which was received by the Central Government on 18-3-1994.

[L.12012/198/91-JR.B.III/JRB.I]
S. S. K. RAO, Desk Officer

अनुबन्ध

केन्द्रीय श्रीधोगिक न्यायाधिकरण, जयपुर
केस नं. सी आई टी 43/1991

रेफरेंसः—भारत सरकार, श्रम मंत्रालय, नई दिल्ली का आदेश दिनांक एल 12012/198/91-आई-आर. / बी दिनांक 19-8-1991
विरधी चंद सैन पुत्र श्री बद्री सैन, द्वारा संतोष भट्टनगर, 18, अर्जुनपुरी इमलीवाला फाटक, जयपुर
—प्रार्थी

बनाम

प्रधान, जयपुर नागौर आंचलिक ग्रामीण बैंक 56, सरदार पटेल मार्ग, जयपुर

—प्रार्थी

उपस्थित

माननीय न्यायाधीश श्री शंकर लाल जैन, भार. एच. जे. एस.

प्रार्थी की ओर से:
अप्रार्थी की ओर से:
दिनांक अवार्डः:

श्री संतोष भट्टनगर
श्री एस. सी. जैन
2-12-1993

अवार्ड

भारत सरकार, श्रम मंत्रालय, नई दिल्ली ने अपने उपरोक्त आदेश के जरिए निम्न विवाद इस न्यायाधिकरण के बास्ते अधिनिर्णय श्रीधोगिक विवाद अधिनियम 1947, जिसे तत्पश्चात् अधिनियम संशोधित किया है, की धारा 10 (1) (घ) के अन्तर्गत प्रेषित किया है:

"Whether the action of the management of Jaipur Nagaur Anchalik Gramin Bank, Jaipur in terminating the services of Shri Birdhi Chand Sen, daily rated worker, working on part time basis, w.e.f. 9-6-83 is justified? legal and proper? If not, to what relief the workman is entitled to?"

2. प्रार्थी ने स्टेटमेंट आफ क्लेम दिनांक 30-9-91 को प्रस्तुत कर प्रकट किया कि उसे दिनांक 1-5-81 को निर्मुहूर्त शास्त्रा व्यवस्थापक अप्रार्थी ने चतुर्थ श्रेणी कर्मचारी के पद पर नियुक्त किया था। उसने पूरी लगन, मेहनत व ईमानदारी से कार्य किया किन्तु अचानक प्रार्थी की दिनांक 9-6-83 को तत्कालीन शास्त्रा व्यवस्थापक ने काम देने से मना कर दिया कि अध्यक्ष भग्नोदय के आदेशानुसार हम आपको सेवामुक्त कर रहे हैं। प्रार्थी कहता है उसे यह आश्वासन दिया कि उसका तथरत रिकार्ड प्रधान कायनिय भेजा है तथा वहाँ से आदेश प्राप्त होते ही आपको स्थाई कर्मचारी के रूप में नियुक्ति दे दी जाएगी। इसके बाद वह निरन्तर शास्त्रा में सम्पर्क

करता रहा किन्तु उसे आश्वासन ही दिए जाते रहे। दिनांक 5-12-84 को श्री सूरजमल वर्मा शास्त्रा प्रधान ने उसे सेवा अवधि का प्रमाण पत्र भी दिया किन्तु उसकी नियुक्ति के संबंध में कोई कार्यवाही नहीं की गई। प्रार्थी ने तब दिनांक 7-2-90 को सहायक श्रम आयुक्त (केन्द्रीय) के यहाँ विवाद प्रस्तुत किया किन्तु वार्ता असफल होने के कारण यह विवाद न्याय निर्णय हेतु इस न्यायाधिकरण को पठाया गया। प्रार्थी कहता है कि सेवा मुक्ति से पूर्व न तो उसे कोई आरोप पत्र दिया न ही उसके बिलाफ कोई जांच की गई। उसे कोई एक माह का नोटिस, नोटिस के एवज में एक माह का बेतन व छंटनी मुश्वावजा भी सेवा मुक्ति से पूर्व नहीं दिया गया। उससे कनिष्ठ व्यक्ति अब भी विपक्षी संस्थान में कार्यरत है इस प्रकार धारा 25 एफ, जी व एच अधिनियम तथा श्रीधोगिक विवाद नियमावली के नियम 77 व 78 का भी उल्लंघन किया गया है। उसकी सेवा मुक्ति सर्वदा अनुचित व अवैध है। अतः प्रार्थी की कि उसके सेवामुक्ति आदेश दिनांक 9-6-83 को अवैध व अनुचित घोषित करते हुए उसे सेवा में बहाल किया जाए तथा सेवा को निरन्तर सही बेतन व साध विस्थायें जावें।

3. अप्रार्थी ने क्लेम का प्रत्युत्तर दिनांक 17-2-92 को प्रस्तुत करते हुए प्रकट किया कि प्रार्थी को 1-5-81 से दैनिक बेतन भोगी कामगार के रूप में पार्टटाईम कामगार के रूप में रखा गया था। प्रत्येक दिवस जिस दिन प्रार्थी कार्य पर आता था उससे चार घंटे ही काम लिया जाता था। प्रार्थी स्वयं ही दिनांक 9-6-83 के बाद स्वेच्छा से काम पर नहीं आया अतः यह स्वीकार नहीं है कि उसे सेवामुक्ति किया गया हो। प्रार्थी द्वारा यह क्लेम सात वर्ष दोरी से प्रस्तुत करना इस तथ्य को साबित करता है कि उसे सेवा मुक्त नहीं किया गया न ही उसे किसी प्रकार का आश्वासन दिया गया तथा इस संबंध में उसने शास्त्रा अध्यक्ष प्रधान कायनिय से कोई पक्षाधार भी नहीं किया था। अब प्रार्थी स्वयं ही कार्य पर नहीं आया तो उसे आरोप पत्र आदि देने या उसके बिलाफ जांच करने का प्रश्न ही पैदा नहीं होता और प्रार्थी को यह बलील स्वतः ही समाप्त ही जाती है। ऐसी स्थिति में रीइन्स्टेटमेंट अध्यक्ष बकाया बेतन इत्यादि दिया जाना उचित नहीं है। अतः प्रार्थी का क्लेम खारिज किया जावे।

4. प्रार्थी को साक्ष्य में उसने अपना स्वयं का हूलफनामा प्रस्तुत किया है जिससे विपक्षी के प्रतिनिधि जिरह की एवं प्रालेखिक साक्ष्य में प्रकर्ष डब्ल्यू-1 प्रमाण पत्र प्रस्तुत किया। विपक्षी की ओर से साक्ष्य में श्री शास्तिलाल जैन को परीक्षित कराया गया है।

5. तत्पश्चात् मैन पक्षाकारान् के प्रतिनिधिगण को बहुसंख्यक मुनी, पक्षावली, पक्षावली पर उपलब्ध सामग्री एवं विधि के मुक्तांगत प्रावधानों का ध्यानपूर्वक परिशीलन किया है।

6. प्रार्थी के विद्वान प्रतिनिधि ने अपनी दलीलों के समर्थन में निम्न न्याय दृष्टालों का आशय लिया :

1. भार.एल.भार. 1991 (2) पेज 158, ओरीयेन्टल बैंक आॉफ कार्मस बनाम प्रसाइटिंग आॉफिसर, सेन्टल गवर्नमेंट इंडस्ट्रियल ट्रिब्यूनल व अन्य) ।
2. लैब.आई.सी. 1982 पेज 81 (एस.सी.) एल राबर्ट डिसूजा बनाम एजीक्यूटिव इंजीनियर, सदन रेलवे ।

7. विपक्षी के विद्वान प्रतिनिधि ने अपनी दलीलों के समर्थन में निम्न न्याय दृष्टालत प्रस्तुत किये :

1. 1987 भार.एल.भार. (पार्ट-2) पेज 690 मदेशवीरी बनाम स्टेट आॉफ राजस्थान व अन्य।
2. 1982 लैब.आई.सी. पेज 811 (एस.सी.) एल. राबर्ट डिसूजा बनाम एजीक्यूटिव इंजीनियर।

8. प्रार्थी ने अपने शपथ पत्र में कथन किया है कि निम्नेहां शाखा व्यवस्थापक अप्रार्थी ने दिनांक 1-5-81 को अतुर्थ श्रेणी कर्मचारी के पद पर नियुक्त किया था और दिनांक 9-6-83 को अभानक ही उसे शाखा व्यवस्थापक ने काम देने से मना कर दिया। प्रार्थी का कथन है कि उसे लगातार आश्वासन दिया जाता रहा कि उसके तमाम सर्विस रिकार्ड इत्यादि प्रधान कार्यालय भेजे गये हैं और वहां से प्रादेश प्राप्त होते ही आपको स्पाई कर्मचारी के रूप में नियुक्ति दी जावेगी। जब प्रार्थी ने प्रधान कार्यालय में सम्पर्क किया तब उसे ज्ञात हुआ कि उसकी नौकरी के विषय में कोई कार्यवाही नहीं की जा रही है और तभी उसने सहायक श्रम आयुक्त (केम्ब्रिय) के यहां वर्ष 1990 में विवाद प्रस्तुत किया। बार्ता असफल होने पर केंद्र सरकार द्वारा वह विवाद इस न्यायाधिकरण को निर्णयार्थ भेजा गया। प्रार्थी कहता है कि उसे मुक्त करने से पहले न तो कोई आरोप पत्र दिया और न ही कोई विभागीय जांच की थी। सेवा मुक्ति से पूर्व कोई एक माह को नोटिस। नोटिस पे अथवा छंटनी मुआवजा विपक्षी द्वारा उसे नहीं दिया गया अतः उसकी सेवा मुक्ति धारा 15-एफ अधिनियम के प्रावधानों के खिलाफ की गई है। प्रार्थी ने आपसी जिरह में कहा है कि प्रदर्श डब्ल्यू-1 प्रभान पत्र शाखा प्रबन्धक श्री सूरजमल ने बिना मांगे दिया था। उक्त प्रमाणपत्र में यह स्पष्ट लिखा है कि श्री विरधी चन्द सेन ने निम्नेहां शाखा में दैनिक वेतन भोगी अधिक के स्पष्ट में 1-5-81 से 9-6-83 तक कार्य किया। इससे स्पष्ट है कि प्रार्थी अधिक ने अप्रार्थी को निम्नेहां शाखा में एक कलेण्डर वर्ष में 240 दिवस से अधिक कार्य किया है। प्रार्थी ने यह भी कहा है कि उससे कनिष्ठ अधिकत अभी भी अप्रार्थी के यहां कार्यरत है तथा सेवा मुक्ति के समय को बरिष्ठता सूची जारी नहीं की गई। इप प्रकार धारा 25-एफ जी व एच अधिनियम, 1947 द्वारा औद्योगिक विवाद नियम 19 के नियम 77-78 का उल्लंघन किया गया है।

अप्रार्थी के साक्षी श्री शांतिलाल जैन ने जिरह में स्वीकार किया है कि उसने व्यक्तिगत रूप से अधिक को काम करते नहीं देखा जर्ता उसे उसके विषय में व्यक्तिगत रूप से कोई जानकारी नहीं है। विपक्षी के साक्षी ने जिरह में यह भी स्वीकार किया है कि प्रार्थी को कोई नोटिस आदि नहीं दिया। अतः उपरोक्त विवेचन से यह नो प्रमाणित है कि प्रार्थी ने विपक्षी संस्थान में एक कलेण्डर वर्ष में 240 दिवस से अधिक कार्य किया और उसे सेवा मुक्त करते समय कोई नोटिस, नोटिस पे अथवा छंटनी मुआवजा नहीं दिया गया।

9. अप्रार्थी के विद्वान प्रतिनिधि को मुख्य दलील यह थी कि प्रार्थी स्वयं ही काम पर नहीं आया अर्थात् स्वेच्छा से काम छोड़कर चला गया जबकि प्रार्थी ने जिरह में स्वीकार किया है कि उसे वह श्री एम. एस. शर्मा, सूरजमल वर्मा, आर. के. जैन एवं लोचन शर्मा से मिला था कि भेरे नाम से कोई पत्र हैड आफिस से आया है कि नहीं। यह भी कहा है कि उसे जबानी यह आश्वासन दिया गया था कि उसके डाक्यू-मैनेंट्स हैड आफिस भेज देंगे। इससे प्रमाणित होता है कि प्रार्थी शाखा व्यवस्थापक के आश्वासन पर बार-बार उनसे सम्पर्क करता रहा अगर वह स्वयं नौकरी छोड़कर चला गया होता तो बार-बार सम्पर्क करने का प्रयत्न हीं नहीं उठता था। अतः विपक्षी के विद्वान प्रतिनिधि की यह दलील स्वीकार किये जाने योग्य नहीं है कि प्रार्थी स्वयं ही कार्य छोड़कर चला गया हो।

10. उपरोक्त विवेचन से प्रमाणित है कि प्रार्थी विरधी चन्द सेन ने अप्रार्थी के अधीन 1-5-81 से 9-6-83 तक निम्नेहां शाखा में दैनिक वेतन भोगी कर्मचारी के रूप में कार्य किया है। उसे सेवा मुक्त करने से पूर्व उसे कोई नोटिस, नोटिस पे एवं छंटनी मुआवजा नहीं दिया गया इस प्रकार धारा 25-एफ, जी व एच अधिनियम, 1947 एवं औद्योगिक विवाद नियमाबली के नियम 77 व 78 का स्पष्ट उल्लंघन प्रमाणित हुआ है। अतः तथ्यों और विधि के उपरोक्त समस्त कारणों से इस निर्देश का अधिनियम निम्न प्रकार किया जाता है :—

“जयपुर नागांर आर्चारिक ग्रामीण बैंक, जयपुर के प्रबन्धक द्वारा श्री विरधी चन्द सेन, दैनिक वेतन भोगी कर्मचारी की सेवाएं दिनांक 9-6-83 से समाप्त किया जाता उचित एवं वैश्य नहीं है। उसे उसके पद पर नियोजित धांषित किया जाता है। चूंकि प्रार्थी ने यह विवाद काफी देरीना प्रस्तुत किया है, अतः उसे पिछला बकाया वेतन नहीं दिलाया जाता, अबार्ड की तारीख से ही वह वेतन प्राप्त करने का अधिकारी होगा। अन्य समस्त लाभ जो भी वह प्राप्त करने का अधिकारी है उसे दिलाये जाते हैं।”

11: उपरोक्त आशय का अबार्ड पारित किया जाता है जो केन्द्र सरकार को प्रमोशनार्थ नियमानुसार भेजा जावे।

नई विल्ली 24 मार्च, 1994

का. आ. 932.—श्रौद्धोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार स्टेट बैंक अॉफ हैदराबाद के प्रबंधतंत्र के संबद्ध मियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट श्रौद्धोगिक विवाद में श्रौद्धोगिक अधिकरण हैदराबाद के पंचपट को को प्रकाशित करती है जो केन्द्रीय सरकार को 23-3-94 को प्राप्त हुआ था।

[संख्या एल-12012/76/92-आई आर बी III/

आई आर बी आई]

एस. एस. के. राव, डैस्क अधिकारी

New Delhi, the 24th March, 1994

S.O. 932.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of Hyderabad and their workmen, which was received by the Central Government on the 23-3-1994.

[No. L-12012/76/92-IRB III/IRBI]

S. S. K. RAO, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL AT HYDERABAD

PRESENT :

Sri Y. VENKATACHALAM, M.A., B.L., Industrial Tribunal-I.

Dated : 8th day of March, 1994

Industrial Dispute No. 56 of 1992

BETWEEN

Sri P. Isac, Ex-Peon, C/o. Sri B. Laxmiah, H. No. 6-93, Nereducherla Nalgonda Distt. 508216. —Petitioner.

AND

The General Manager, State Bank of Hyderabad, Region VI, Zonal Office, Nakkalgutta, Hanumkonda-506010. —Respondent.

APPEARANCES :

Sri C. S. K. V. Ramana Murthy and Ch. Lakshminarayana, Advocates for the Petitioner.

Sri K. Srinivasa Murthy, Miss G. Sudha and Sri P. V. K. Kishore Babu, Advocates for the Respondent.

AWARD

The Government of India, Ministry of Labour, by its Order No. L-12012/76/92-IR.B.III, dt. 31-7-1992 referred the following dispute under Section 10(1) (d) (2A) of the Industrial Disputes Act, 1947 between the management of State Bank of Hyderabad and their workmen to this Tribunal for adjudication :

“Whether the action of the management of State Bank of Hyderabad in dismissing Sri P. Issac, Ex.-Peon, vide order dt. 15-9-1986 is justified ? If not, to what relief the workman is entitled to ?”

This reference is registered as Industrial Dispute No. 56 of 1992 and notices issued to both the parties.

2. The Petitioner was served with the notice dt. 11-8-1992 to file their claims statement. After giving many adjournments the Petitioner has not filed any claim statement or made any appearance before this Tribunal. While the Respondent also has not filed any counter inspite of giving adjournments. I find that the Petitioner is not prosecuting their case inspite of several opportunities given and I do not see any reason to postpone the case further though this Tribunal has given sufficient time to the Petitioner to file their claims statement and prosecute their case. Hence the reference is terminated after giving full and fair opportunity to the Petitioner.

Award Passed.

Typed to my dictation, given under my hand and the seal of this Tribunal, this the 8th day of March, 1994.

Y. VENKATACHALAM, Industrial Tribunal-I

Appendix of Evidence

NIL

नई विल्ली, 30 मार्च, 1994

का. आ. 933.—श्रौद्धोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार स्टेट बैंक अॉफ इण्डिया के प्रबंधतंत्र के संबद्ध मियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट श्रौद्धोगिक विवाद में केन्द्रीय सरकार श्रौद्धोगिक अधिकरण चंडीगढ़ के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 29-3-94 को प्राप्त हुआ था।

[संख्या एल-12012/73/90-आई आर बी-III/आई आर बी आई]

एस. एस. के. राव, डैस्क अधिकारी

New Delhi, the 30th March, 1994

S.O. 933.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the man-

agement of State Bank of India and their workmen, which was received by the Central Government on the 29-3-1994.

[L-12012/73/90-IRB.III/IRBI]
S. S. K. RAO, Desk Officer

ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

Case No. I.D. 79/90

Sham Lal Vs. State Bank of India
For the workmen.—Shri J. B. Garg
For the management.—Shri Ashok Khullar

AWARD

Central Govt. vide Gazette Notification No. L-12012/73/90-I.R.(B.III) dated 3-7-90 issued U/s 10(1)(d) of Industrial Disputes Act 1947 referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of State Bank of India in dismissing Shri Sham Lal, Messenger-cum-Frash at their Malout Branch w.e.f. 20-4-83 is legal and justified? If not, to what relief the concerned work is entitled and from what date ?”

2. In the present case J. B. Garg authorised representative of the petitioner made a statement that he withdraws the present case. No dispute award be returned. In view of the statement made by the representative of the petitioner no dispute award is returned to the Ministry.

Sd/-
Presiding Officer

Chandigarh.

Dated : 21-3-1994.

ARVIND KUMAR, Desk Officer

नई दिल्ली 30 मार्च, 1994

का. आ. 934.—ग्रौथोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय भरकार स्टेट बैंक और पटियाला के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट ग्रौथोगिक विवाद में केन्द्रीय सरकार ग्रौथोगिक अधिकारण चाप्टीगढ़ के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 29-3-94 को प्राप्त हुआ था :

[ग्राप्ता एल-12012/162/89-आई आर बी-III/ग्राह आर बी ग्राह]

प्रा. एम. के. गव, ईम्प्ल अधिकारी

New Delhi, the 30th March, 1994

S.O. 934.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of Patiala and their workmen, which was received by the Central Government on the 29-3-1994.

[No. L-12012/162/89-IRB.III/IRBI]

S.S.K. RAO, Desk Officer

ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

Case No. I.D. 147/89

Vinod Kumar Vs. State Bank of Patiala
For the workman.—Shri D. L. Sikka
For the management.—Shri N. K. Zakhmi

AWARD

Central Govt. vide Gazette Notification No. L-12012/162/89-I.R.(B.III) dated 10-9-1989 issued U/S 10(1)(d) of Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of State Bank of Patiala in relation to their Kaithal Branch in terminating the services of Shri Vinod Kumar r/o Shri Siri Ram, ex-Godown Chowkidar w.e.f. 24-2-87 is just, fair and legal ? If not, what relief the workman concerned is entitled to ?”

2. The present case is fixed for the filing of the affidavit by the management. However Mr. D. L. Sikka appearing on behalf of the petitioner has made a statement that he withdraws the present reference. No dispute award be returned to the Ministry. The petitioner has endorsed the said statement. In view of the statement made by the representative of the petitioner, authenticated by the petitioner himself, no dispute award is returned to the Ministry.

Chandigarh.

Camp at Delhi.

Dt. 4-3-94.

Sd/- (Illegible)
Presiding Officer

ARVIND KUMAR, Desk Officer

